



# Personnel Policies and Procedures Manual

Adopted by the Marinette County Board of Supervisors

Originally Adopted and Effective 3/28/2006

Updated 07/2/2020

**This Manual may be updated periodically.**

**Department Heads shall notify employees of updates and/or changes.**

**Updates and/or changes shall be posted on Marinette County's website.**

<http://www.marinetcounty.com/departments/?department=f059167444ab>

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## INTRODUCTORY STATEMENT

This Manual is designed to acquaint employees with Marinette County and provide employees with information concerning working conditions, employee benefits, and various policies affecting employment. Employees shall read, understand, and comply with all provisions of this Manual. This Manual describes many responsibilities as an employee and outlines the programs developed by Marinette County to benefit employees. One of Marinette County's objectives is to provide a work environment that is conducive to both personal and professional growth.

This Manual applies to employees not covered by collective bargaining agreements and to employees so covered when the provisions of this Manual do not contradict the collective bargaining agreement or when this Manual addresses an area, which is not covered by a collective bargaining agreement. These policies may be superceded by union agreements, state and federal laws, or ordinances passed by the Marinette County Board of Supervisors. In addition to the policies and procedures set forth in this Manual, departments may choose to adopt specific departmental work rules and procedures. Department work rules and procedures shall not conflict with policies and procedures set forth in this Manual and shall not affect conditions of employment, as conditions of employment are subjects of bargaining.

No employee Manual may anticipate every circumstance or question about policy. As Marinette County continues to grow, and as applicable laws change, the need may arise and Marinette County reserves the right to: revise, supplement, or rescind any policies or portion of the Manual, as it deems appropriate, in its sole and absolute discretion.

Only the Marinette County Board of Supervisors has the ability to adopt any revisions to the policies in this Manual. Employees shall be notified of any such changes to the Manual as they occur.

Employment with Marinette County is voluntarily entered into and employees are free to resign at any time with or without cause. The discipline, demotion, suspension, or termination of an employee, who has successfully completed the determined probationary period, shall be for just cause utilizing disciplinary procedures as specified in this Manual.

Policies set forth in this Manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between Marinette County and any of its employees. The provisions of the Manual have been developed at the discretion of management and may be amended or canceled at any time by Marinette County.

It is the policy of Marinette County to fully comply with all federal and state laws relating to the Health Insurance Portability and Accountability Act (HIPAA). Marinette County shall develop and implement necessary procedures in a separate HIPAA Policies and Procedures Manual. Marinette County has designated the Human Resources Director as the County's HIPAA Privacy Officer.

Provisions of this Manual supercede all existing employment policies and practices and may not be amended or added to without the express written approval of authorized agents of Marinette County.

### 1.01 **Management Rights.**

- (a) **Authority.** This Manual is promulgated under the authority of §59.22(2)(c), Wis. Stats., as amended, and may be amended by the Marinette County Board of Supervisors in the same manner as adopted. The County possesses the sole right to operate County government and all management rights repose in it. These rights include, but are not limited to, the following:
- (1) To direct all operations of County government.
  - (2) To establish reasonable work rules and schedules of work.
  - (3) To hire, schedule, and assign employees to positions.
  - (4) To suspend, demote, discharge, and take appropriate disciplinary action.
  - (5) To relieve employees from duties because of lack of work, funds, or any other reasons.

- (6) To maintain efficiency and services of County government operations.
  - (7) To apply whatever action is necessary to comply with state and/or federal law.
  - (8) To introduce new or terminate existing methods or facilities.
  - (9) To change or modify existing methods or facilities.
  - (10) To determine the kinds and amounts of services to be performed as pertains to County government operations, and the number and variations of classifications to perform such services.
  - (11) To contract out for goods and services.
  - (12) To determine the methods, means, and personnel by which County operations are to be conducted.
  - (13) To take whatever action is deemed necessary to carry out the operations of County government in situations of emergency.
- (b) **Personnel Policies.** The County Board has approved this Manual. Changes to this Manual shall be submitted to the County Board as motions by recommendation of the Administrative Committee and shall become effective on the date designated by the County Board. If other County Standing Committees have change recommendations to this Manual, the recommended change shall be submitted by motion to the Administrative Committee. The County Administrator or the Human Resources Director shall administer the personnel policies.

### **1.02 Purpose and Scope.**

- (a) **Purpose.** Marinette County has established a system of Personnel Administration that meets the needs of Marinette County government. This system shall include policies and procedures to recruit, select, develop and maintain an effective, efficient, and responsible work force for the County. This system shall be based on the following objectives:
- (1) To recruit, select and advance employees on the basis of relative knowledge, skills and abilities.
  - (2) To provide equitable compensation for all employees.
  - (3) To promote excellent job performance and correct inadequate performance in a fair and timely manner.
  - (4) To assure fair treatment of all applicants and employees in all aspects of personnel administration without regard to political or religious opinion or affiliations, race, color, national origin, creed, sex, family/marital status, age, handicap, or any other basis protected by law and with proper regard for rights as citizens.
  - (5) To protect employees against coercive political activities and to prohibit the use of official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.
  - (6) To provide employees an opportunity to appeal decisions.
  - (7) To provide a written record of personnel policies which apply to all employees working for the County.
- (b) **Scope.** This Manual shall govern personnel administration for all employees and departments of the County of Marinette except the following to which this Manual is only applicable for County procedures:
- (1) Employees represented by unions; this Manual is applicable to non-union employees and to union employees where specific policies are not addressed by the collective bargaining agreement.
  - (2) Members of the Marinette County Board of Supervisors.
  - (3) Elected County officials.
  - (4) Members of boards, committees and commissions, who are not County employees.
  - (5) Volunteer workers.
  - (6) Persons under contract with Marinette County as an independent contractor.
  - (7) Persons under contract to make or conduct a temporary special inquiry, investigation or examination on behalf of Marinette County.
  - (8) Employees of another unit of government providing services within County facilities.

### **1.03 Equal Employment Opportunity.**

- (a) Marinette County assures equal employment opportunity and affirmative action in the application of its personnel administration. Discrimination against any person in recruitment, examination, appointment, training, retention,

discipline, or any other aspect of personnel administration because of political or religious opinion or affiliations, race, national origin, shall be prohibited. Discrimination on the basis of age, sex, sexual orientation, marital status, arrest record, conviction record or physical disability shall be prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient administration.

- (b) The Human Resources Director, as the affirmative action officer, shall be responsible for preparation of a Civil Rights Compliance Plan that is filed in the Human Resources Department.
- (c) Marinette County adheres to the principles set forth by the Americans with Disabilities Act, Title 1, of 1990, and all Wisconsin American Disability Act regulations.

**1.04 Definition of Terms. [Amendment 70; Adopted 06/27/2017] [Amendment 91; Adopted 05/29/2018]**

- (a) The following definitions shall be applicable in this Chapter:
  - (1) **Allocation.** The initial assignment of a position to the appropriate job classification and pay range.
  - (2) **Allegations.** Allegations are statements made by a party that establish a belief as to the facts of a particular situation.
  - (3) **Carlson Dettmann Classification and Compensation Plan.** The wage and classification pay plan adopted in 2017 and implemented by the County Board for all employees not represented by a bargaining unit.
  - (4) **Class.** A specifically recognized and defined kind of employment in the County service designed to embrace all positions having duties and responsibilities sufficiently similar so that the same title may be used, the same qualifications may be required and the same schedule of compensation may be made.
  - (5) **Classification.** Job title assigned to a position.
  - (6) **County Standing Committees.** Administrative, Development, Health and Human Services Board, Infrastructure, and Public Services.
  - (7) **COBRA.** The Consolidated Omnibus Budget Reconciliation Act allows continuation of insurance benefits upon employment termination at the recipient's expense.
  - (8) **Committee of Jurisdiction.** That committee of the County Board having jurisdiction over a particular department.
  - (9) **Complaint.** A complaint is an allegation of a wrong upon which the complainant seeks relief or solution. Complaints may also express grief, pain or dissatisfaction caused by another party.
  - (10) **Compensatory Time.** Time accrued by a non-exempt employee at the rate of one and one half (1 ½) times the number of hours exceeding forty (40) hours in a work week; or by a salaried professional/computer exempt employee at the rate of one times hours exceeding eighty (80) hours per pay period.
  - (11) **Continuous Service.** Length of employment with Marinette County not interrupted by resignation, suspension or discharge.
  - (12) **County.** Marinette County.
  - (13) **County Board.** Marinette County Board of Supervisors.
  - (14) **County Service.** Employment for the County of Marinette.
  - (15) **Date of Hire.** The most recent date an employee was first hired by the County.
  - (16) **Demotion.** The assignment of an employee from a position in a higher pay range to another position in a lower pay range.
  - (17) **Department Head.** The employee responsible for the overall operation of a department.
  - (18) **Disciplinary Action.** An action taken to discipline an employee for cause, which may include an action from a verbal reprimand up to and including discharge.
  - (19) **Elected County Officials.** Those individuals elected to positions by the citizens of Marinette County and whose duties, responsibilities and rights are defined in the Wisconsin State Statutes.
  - (20) **Eligibility List.** A list of persons eligible to fill positions in a particular job classification.
  - (21) **Employee.** A person filling an allocated position of County employment.
  - (22) **Exempt Employee.** An employee meeting the criteria defined by the Fair Labor Standards Act (FLSA) who is not eligible for overtime pay.

- (23) **Evening Shift.** Hours established by the department as evening hours.
- (24) **FMLA.** Federal or State Family Medical Leave Acts.
- (25) **FLSA.** Fair Labor Standards Act.
- (26) **Full-Time Employee.** An employee in a permanent position whose normal assigned schedule of work hours totals or exceeds one thousand eight hundred twenty (1,820) and whose positions qualify them for the benefits of the Wisconsin Retirement Fund.
- (27) **Good Standing.** Status of an employee who gives a minimum of a ten (10) working day notice and works a minimum of ten (10) scheduled work days, is not terminated for cause, has returned all County owned property/equipment, is not under investigation at the time of resignation and will owe the county no money at the time of last wage payment.
- (28) **Grievance.** A written complaint regarding the interpretation or application of this Manual.
- (29) **HIPAA.** Health Insurance Portability and Accountability Act.
- (30) **Independent Contractor.** A person or business who performs services for the County under an express or implied agreement and who is not subject to the County's control, or right to control, the manner and means of performing the services.
- (31) **Interns.** Persons who perform work for the County on a part-time or temporary basis without compensation in order to obtain work experience.
- (32) **Job Descriptions.** A written description of a class containing job title, department, supervisor, pay grade, FLSA status, position status, job analysis, essential job functions, required abilities, qualifications, environmental conditions of the workplace, physical demands and additional duties.
- (33) **Just Cause.** A cause, which must be based on reasonable grounds, with a fair and honest cause or reason, regulated by good faith and with notice of hearing given and an opportunity to be heard.
- (34) **Leave of Absence.** Authorized time off with a specified beginning and ending date.
- (35) **Lead Worker.** Employee, who in the absence of a Supervisor or Sergeant, is assigned the responsibility by the Department Head of designee to serve as lead worker and is responsible for the direction of work for at least three (3) coworkers for a time period of not less than four (4) hours.
- (36) **Limited Term Employee.** Employees hired due to unforeseen circumstances and/or needs of a department on a temporary basis, not to exceed eleven hundred ninety-nine (1199) hours in a twelve (12) month rolling calendar year. **[Amendment 51, Adopted 04/21/2015]**
- (37) **Longevity.** Years of continuous service with the County.
- (38) **Lunch Period.** A one-half (1/2) hour or one (1) hour unpaid free-from-work period.
- (39) **Manual.** Marinette County Policies and Procedures Manual.
- (40) **Non-Represented Employee.** Persons employed by Marinette County who are not represented by a bargaining group.
- (41) **Out of Class Pay.** Temporary pay adjustment for employees moved into positions of higher responsibility and pay.
- (42) **Overtime.** Hours worked by eligible employees in excess of the established work period.
- (43) **Overtime Pay.** Compensation for hours worked in excess of the established work period.
- (44) **Part Time Insurance Eligible Employee.** Person employed a minimum of thirty (30) hours per week, but less than thirty-five (35) hours per week and whose position qualifies for prorated County benefits.
- (45) **Part Time Non-Insurance Eligible Employee.** Person employed less than thirty (30) hours per week and qualifies for prorated County benefits, excluding health insurance.
- (46) **Pay Range.** The minimum through maximum rates of pay established for each class of positions.
- (47) **Performance Appraisal.** A written instrument that documents the performance of an employee.
- (48) **Probationary Period.** A trial period of employment, twelve (12) months, during which time an employee is required to demonstrate capability for permanent employment in the position to which assigned.
- (49) **Project Employee.** Employment that is supported by a grant and is not a permanent position.
- (50) **Re-Evaluation.** The assignment of a position from one class to another to recognize a substantial change in the duties and responsibilities of a position.

- (51) **Red Circled Pay.** A base salary received by an employee, which is above the salary range maximum for the classification of the employee's position.
- (52) **Rest Period.** A ten (10) or fifteen (15) minute paid free-from-work period
- (53) **Seasonal Employee.** An employee hired for a seasonal period of time whose employment terminates at the end of a given season in the same calendar year. The seasonal employee may return year after year.
- (54) **Seniority.** Length of time the employee has been employed by the County, computed from the most recent hire date, excluding unexcused absences or unpaid leaves of more than sixty (60) days.
- (55) **Sick Leave.** Leave from duty granted an employee to recover from sickness or injury or to receive authorized medical treatment.
- (56) **Significant Other.** An employee's partner in an intimate relationship without disclosure or presumption about his/her marital status or sexual orientation.
- (57) **Step Increment.** Increase in wages within a specific pay range.
- (58) **Sub Motor Pool.** A group of vehicles provided to users from more than one (1) department at a common location.
- (59) **Suitability of Employment.** Determination of whether or not a probationary employee has demonstrated capability for permanent employment.
- (60) **Supervisor.** The person responsible for the assignment, direction and evaluation of the work of another employee.
- (61) **Termination.** The removal of an employee from employment for voluntary or involuntary reasons.
- (62) **Time in Service.** Period of time between steps shown on the non-represented employee salary schedule.
- (63) **Work Period.** An established and regularly recurring period of work.
- (64) **Work Rules.** A departmental or County regulation, which is job related and promulgated in writing.
- (65) **Work Schedule.** Established hours an employee is required to work.

#### 1.05 Organization and Administration.

- (a) **Purpose.** In order to establish and maintain a personnel program for the County, this section shall establish a clear understanding of responsibility and authority. Proper organization and delegation of authority are essential to effective and efficient County government administration and management.
- (b) **Responsibility and Authority.**
  - (1) **County Board. The County Board shall:**
    - a. Authorize by motion an amendment to this Manual.
    - b. Confirm all non-elected Department Head appointments.
    - c. Authorize the creation, abolition or reclassification of all permanent positions.
    - d. Appropriate funds for all authorized permanent positions.
  - (2) **Administrative Committee. The Administrative Committee shall: [Amendment 85, Adopted 02/27/2018]**
    - a. Review and consider all adjustments of wage schedules of Elected Officials including County Board members, and County employees and recommend the same to the County Board for approval.
    - b. Recommend and maintain policies and procedures for administration of a sound, countywide personnel management system.
    - c. Provide policy direction and guidance to all County offices and departments.
    - d. Review and consider all unbudgeted personnel requests for appropriation of funds prior to consideration by the County Board.
  - (3) **Committee of Jurisdiction. The Committee of Jurisdiction shall:**
    - a. Review and consider all new personnel requests for departments under its jurisdiction prior to consideration by the Administrative Committee and County Board.
    - b. Chairperson or Designee with the County Administrator shall interview candidates for Department Head vacancies prior to submission to County Board for confirmation.
    - c. Review and approve job descriptions for new and re-evaluated positions in departments under its

- jurisdiction prior to consideration by the Administrative Committee and County Board.
- d. Participate in annual Department Head performance appraisals with the County Administrator.
- (4) **County Administrator. The County Administrator shall:**
- a. Approve the creation, abolition or reclassification of all positions prior to submission to the Committee of Jurisdiction, Administrative Committee and County Board.
  - b. Consider and approve all job descriptions for County positions.
  - c. Appoint and supervise Department Heads except those elected by the people.
  - d. Interview candidates for Department Head vacancies with the appropriate Committee of Jurisdiction chairperson or designee. The candidate selected by the County Administrator shall be approved by a majority vote of the Committee of Jurisdiction prior to submission to the full County Board for confirmation.
  - e. Review and consider all independent contractor requests.
  - f. Annually perform Department Head appraisals with participation of the Committee of Jurisdiction chairperson or designee.
  - g. Consider and recommend all amendments to this Manual to the Administrative Committee and the County Board.
- (5) **Corporation Counsel. The Corporation Counsel shall:**
- a. Be responsible for interpretations of the intent of the language in this Manual.
  - b. In conjunction with the Human Resources Director, negotiate union agreements with bargaining group representatives.
- (6) **Human Resources Department.**
- a. All personnel activities and issues, unless otherwise requested or directed by the County Administrator shall be conducted through the Human Resources Department.
  - b. Employees for new positions or vacancies shall be hired through the Human Resources Department.
  - c. The Human Resources Department shall create or update job descriptions for newly created positions, when a position becomes vacant, before a position is posted or advertised, when changes/merges occur within the job, or if the position is re-evaluated. All job descriptions shall be written according to the requirements regulated by state and federal laws.
  - d. The Human Resources Department shall be responsible for the administration of employee benefits.
  - e. The Human Resources Department shall be responsible for maintaining the Marinette County Policies and Procedures Manual.
- (7) **Human Resources Director. The Human Resources Director shall:**
- a. Lead strategic efforts and make operational recommendations to the County Administrator in all areas of personnel management including employment and recruiting, training and development, classification and compensation, benefits, employee relations, labor negotiations, personnel records and health and safety.
  - b. In conjunction with Corporation Counsel, negotiate union agreements with bargaining group representatives.
  - c. Be the Spokesperson for Marinette County with regard to communicating with the bargaining group business representatives.
  - d. Authorize all payroll memo changes prior to submission to the Finance Department.
  - e. Develop and implement necessary HIPAA procedures as Marinette County's HIPAA Privacy Officer.
  - f. Cooperate with other governmental agencies regarding personnel tests, recruiting, training, and the temporary exchange of personnel for on the job training and management experience.
  - g. Evaluate, from time to time, the operation and effectiveness of the policies herein, and report the findings and recommendations to the County Administrator.
- (8) **Finance Department.**
- a. The Finance Department shall administer payroll, which includes converting data from personnel transactions to payroll records and shall maintain cumulative records of vacation, overtime, sick leave and payroll deductions.
  - b. Payroll records and data shall be developed in cooperation with the Human Resources Director to provide

current personnel and position information, summaries and statistics.

- (9) **Department Heads. Department Heads shall:**
  - a. Enforce this Manual as it pertains to their respective departments and keep employees informed of its provisions.
  - b. Recommend to the Human Resources Director or County Administrator an amendment to this Manual, which would improve County operating efficiency or employment relations.
  - c. Delegate appropriate authority to subordinate supervisory personnel in enforcing this manual.
  - d. Immediately notify the Human Resources Department of any known changes in personnel and participate in the selection of replacement employees.
- (10) **Supervisory Personnel. Supervisory Personnel shall:**
  - a. Enforce personnel policies as specified in this Manual and as directed by the Department Head.
- (11) **Employees. Employees shall:**
  - a. Sign and return the acknowledgement sheet of the Marinette County Personnel Policies and Procedures Manual to the Human Resources Department to be filed in the employee's personnel file.
  - b. Read this Manual and comply with applicable provisions.

#### **1.06 Severability.**

If any provision of this Manual, or any policy, or order relating to the application of such provision, shall be deemed unlawful, void, or for any reason unenforceable, then that provision shall be deemed severable from the remaining terms of use and shall not affect the validity and enforceability of any remaining provisions.

#### **1.07 Records and Transactions Management.**

- (a) **Purpose.** Personnel records are essential to provide factual data about an individual's employment history with the County. Marinette County shall develop and maintain an effective personnel management system that meets all federal and state laws as well as County needs.
- (b) **Responsibility and Authority.**
  - (1) **Human Resources Department. The Human Resources Department shall:**
    - a. Establish, maintain, and coordinate personnel transactions and record management for all County employees and positions.
    - b. Establish and maintain a central personnel file for each County employee showing name, title, position description, salary, changes in status, annual performance appraisals, letter of a congratulatory or disciplinary nature, and such pertinent information as may be necessary for effective personnel administration and for compliance with federal and state laws.
    - c. Advise and assist Department Heads on all County personnel transactions and records management systems and procedures.
    - d. Submit written notification of all matters affecting payroll changes to the Finance Department.
    - e. Comply with the Records Retention Ordinance.
  - (2) **Department Heads. Department Heads shall:**
    - a. Use forms designated by the Human Resources Department to initiate and process all appointments, separations and other personnel transactions that affect department employees.
    - b. Submit written notification to Human Resources of any changes, which affect department employee's change in address, telephone number, name, and person to notify in case of accident or illness.
    - c. Submit all employee information that relates to an employee's personnel file to Human Resources. Department Heads shall not retain employee personnel files in department.
  - (3) **Employees. Employees shall:**
    - a. Provide such information and documentation to Human Resources as may be necessary to prepare a complete and accurate personnel file.

- b. Submit written notification to Department Head of any changes, which affect change in address, telephone number, name, and person to notify in case of accident or illness.
  - c. Submit written notification to Human Resources of any changes, which affect employment status, including but not limited to marital or dependent status, insurance beneficiary and military status.
- (c) **Employee Records.** The Human Resources Department shall maintain confidential personnel folders for all County employees and keep on file therein all information pertaining to employment or service records of such employees and officials. All such records shall be kept in a locked file and be retained after termination of employment or service. It is the policy of the County to follow a uniform set of procedures, in full compliance with state law, in regard to access to employment records. Listed below, are the data, materials and information which may be included in an employee's personnel file by the Department Head, Human Resources Director or employee, not to be construed as inclusive:
- (1) **Personnel File.**
    - a. Original application and accompanying documents relating to employment processes of the County, such as resumes, transcripts, references, investigative reports and military papers.
    - b. Personnel action forms or notices of pay change with accompanying documents.
    - c. Performance appraisal forms and related materials.
    - d. Employment letters of commendation or complaint.
    - e. Updated resumes, birth certificates, transcripts or military papers submitted by the employee. In case of employee death, documents submitted by the survivors, such as death, marriage or birth certificates and related papers.
    - f. Certificates or notices of accomplishment for the employee in the area of training or employee development.
    - g. Skill tests, written examination results, interview results or materials connected with selection processes.
    - h. Materials submitted as part of the record for an appeal, decision or other action with copies of related proceedings.
    - i. Documentation for disciplinary action, except those written reprimands covered by labor agreements, which must be removed from the employee's file after a specified incident-free period.
  - (2) **Medical File.**
    - a. Medical certificates or reports.
    - b. Medical insurance enrollment/change forms.
    - c. Family Medical Leave documentation.
    - d. Leave of absence documentation.
    - e. Pre-employment information.
    - f. Documentation of sick leave.
    - g. Random drug screens for applicable positions.
  - (3) **Worker's Compensation File.**
    - a. Worker's Compensation forms, correspondence and related medical reports.
    - b. Department of Workforce Development documentation and forms.
- (d) **Inspection and Confidentiality of Records.**
- (1) **Personnel File Access.**
    - a. The Human Resources Director and staff, County Administrator or designee, Finance Director or applicable staff, the employee's Department Head or designee, or Corporation Counsel are permitted to have access to personnel records of County employees.
    - b. With the exception of Subsections (1)(a) and (c), the Human Resources Director shall reveal no information to others, without the employee's signature of release. This applies to requests for information from anyone or any organization, including other government agencies.
    - c. Employment information shall not be released without the authorization of the individual concerned, except for the following:
      - 1. Directory information, which consists of verification of employment or past employment, dates of

- employment, position held, or location of employment.
  - 2. When release of information is required as part of an established statutory reporting procedure.
  - 3. To protect the legal interests of the County when the actions of an individual appear to violate the conditions of employment or threaten physical injury to members of the general public, to other employees, or to County property.
  - 4. In response to a court order, administrative summons, search warrant, or subpoena.
  - 5. When requested as part of an appropriate governmental inquiry into the County's employment practices.
  - d. If a County employee applies for another County position, the vacancy Department Head may review employee's personnel records.
- (2) **Employee/Former Employee Access.**
- a. The County shall, upon the written request of an employee, permit the employee to inspect any personnel documents which are used or which have been used in determining that employee's qualifications for employment, additional compensation, termination or other disciplinary action, and medical records, except as provided in Subsection (4) and (5). Employee requests shall be maintained in a file in the Human Resources Department for one (1) year.
  - b. The County, at a minimum, shall grant at least two (2) requests by an employee in a calendar year, unless otherwise provided in a collective bargaining agreement, to inspect the employee's personnel records as provided in this section. The County shall provide the employee with the opportunity to inspect the employee's personnel records within seven (7) working days after the employee makes the request for inspection. The inspection shall take place in the Human Resources Department during normal working hours. A representative of the Human Resources Department shall be present during an employee's examination of his/her records. If the inspection during normal working hours would require an employee to take time off from work with the County, the County may provide some other reasonable time for the inspection. In any case, the County may allow the inspection to take place at a time other than working hours or at a place other than where the records are maintained, if that time or place would be more convenient for the employee.
- (3) **Employee's Representative Access.** An employee, who is involved in a current grievance against the County, may designate in writing a representative of the employee's collective bargaining unit or other designated representative to inspect the employee's personnel records which may have a bearing on the resolution of the grievance. The County shall allow such a designated representative to inspect that employee's personnel records in the same manner as provided under Subsections (2)(a) and (b).
- (4) **Medical Records.** The right of the employee or the employee's designated representative under Subsection (3) to inspect personnel records under this policy includes the right to inspect any personal medical records concerning the employee in the County's files. If the County believes that disclosure of an employee's medical records would have a detrimental effect on the employee, the Human Resources Director may release the medical records to the employee's physician or through a physician designated by the employee, in which case the physician may release the medical records to the employee or to the employee's immediate family.
- (5) **Statutory Exceptions.** Under the provisions of Section 103.13(6), Wis. Stats., the right of the employee or the employee's designated representative to inspect his/her personnel records does not apply to:
- a. Records relating to the investigation of possible criminal offenses committed by employee.
  - b. Letters of reference for that employee.
  - c. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document.
  - d. Materials used by the County for staff management planning or other comments or ratings used for County planning purposes.
  - e. Information of a personal nature about a person other than the employee, if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

- f. Records relevant to any other pending claim between the County and the employee which may be discovered in a judicial proceeding.
- (6) **Copies.** The right of the employee or the employee's representative to inspect records includes the right to copy or receive a copy of records. Marinette County shall charge a reasonable fee per copy page as stated in the '**Marinette County Copy Policy**'.
- (7) **Personnel File Corrections.** Under Section 103.13(4), Wis. Stats., if the employee disagrees with any information contained in the personnel records, a removal or correction requires that information be submitted to Human Resources. If an agreement cannot be reached, the employee may submit a written statement to the Human Resources Department explaining the employee's position. The Human Resources Director shall attach the employee's statement to the disputed portion of the personnel record. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a third party, as long as the disputed record is a part of the file.

### **1.08 Sexual Harassment, Discrimination, and Retaliation.**

- (a) **Definitions.**
  - (1) **Discrimination.** Treatment or consideration based on class or category rather than individual merit; partiality or prejudice.
  - (2) **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, physical contact of a sexual nature or verbal or physical conduct of a sexual nature. Sexual Harassment includes conduct directed by a person at another person of the same or opposite gender. Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or comments of a sexual nature, the purposes, or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment.
  - (3) **Retaliation.** Adverse action taken against employee in response to employees right to seek corrective action or for making a protective disclosure.
- (b) **Statement of Policy.**
  - (1) Federal and state law prohibits employment discrimination on the basis of race, color, religion or political beliefs, creed, sex, age, disability, national origin or sexual preference. Among these prohibitions is the harassment of fellow employees. Marinette County is committed to maintaining a work environment that is free from sexual harassment, discrimination and retaliation and to enforcing this policy at all levels.
  - (2) Sexual harassment is unlawful and is conduct that exposes both Marinette County and individuals engaging in sexually harassing behaviors to significant liability under both state and federal law. Employees shall treat fellow employees and the public respectfully, with dignity and in a manner, which does not offend fellow employees and the general public at all times.
  - (3) No employee should be subject to behavior that is personally offensive, lowers morale or interferes with productivity of the workplace. Each employee shall be responsible in helping to maintain a workplace that is free of sexual harassment, discrimination or retaliation.
  - (4) Retaliation or discrimination, in any way, against an individual who has articulated a concern regarding sexual harassment or other prohibited activity is unlawful and shall not be tolerated. Examples of sexual harassment or retaliation are set forth in the Statement of Prohibited Conduct below. These examples are provided to illustrate the type of conduct prohibited by this Policy and the list is not to be construed as exhaustive.
- (c) **Statement of Prohibited Conduct.** Marinette County considers the following non-inclusive behaviors to violate this policy:
  - (1) Physical contact of a degrading, demeaning or sexual nature. This includes punching, hitting, slapping, rape, battery, molestation or attempts to commit any such assaults.
  - (2) Intentional physical conduct that is offensive or sexual in nature. This includes touching, pinching, patting,

- grabbing, brushing against another employee's body, or poking another employee's body.
- (3) Unwanted sexual advances, propositions or sexual comments. This includes sexually oriented gestures, noises, remarks, jokes, comments about a person's sexuality or sexual experience directed at or made in the presence of any individual who indicates or has indicated in any way that such conduct in his or her presence is unwelcome, preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, soliciting or attempting to solicit an individual to engage in sexual activity for compensation or reward, subjecting or threatening to subject an individual to unwelcome sexual attention or conduct or intentionally interfering with an individual's work performance because of his or her sex.
  - (4) Sexual, discriminatory or otherwise offensive displays or publications in the workplace by employee. This includes displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are offensive to other individuals, sexually suggestive, demeaning, or pornographic.
  - (5) Retaliation for sexual harassment or discrimination complaints. This includes disciplining, changing work assignments, providing inaccurate work information, or refusing to cooperate or discuss work related matters.
  - (6) Any language or gesture depicting hostility toward any individual because of race, color, creed, sex, age, disability or sexual preference is strictly prohibited.
- (d) **Penalties.** Marinette County is responsible to investigate and eradicate all complaints of sexual harassment, discrimination and retaliation. Employees shall be advised that Marinette County shall impose strict penalties for all confirmed violations of this Policy, up to and including suspension and/or termination of employment.

#### **1.09 Conflict of Interest.**

Any of the following may be considered conflict of interest.

- (a) **Outside Employment.** Marinette County permits outside employment as long as such employment does not conflict with the employee's official duties, responsibilities, or performance of duties relating to the employee's position with Marinette County. Marinette County facilities and equipment shall not be used for outside employment for any reason.
- (b) **Multiple Positions Within the County.** No employee may concurrently hold more than one (1) County position without the written approval of the County Administrator. Such approval may be granted for combination part-time positions when it is in the best interest of the County to do so and when such part-time positions do not represent a conflict of interest.
- (c) **Appointments.** County employees, including Department Heads, shall not join nor accept appointments to commissions, committees, or boards related to County work, without Committee of Jurisdiction approval.
- (d) **Private Interests.** The County recognizes the provisions of §946.13, Wis. Stats., in prohibiting private interests in public contracts.
- (e) **Nepotism.**
  - (1) Department Heads are prohibited from hiring a related person for County employment.
  - (2) No person shall be employed, promoted, or transferred to any department, division, or work unit when, as a result, the employee would be directly supervising or receiving direct supervision from a related person.
  - (3) Related persons shall mean spouse, children, parents, siblings, father-in-law, mother-in-law, grandchildren, grandparents, stepchildren, stepparents, stepsiblings, son-in-law, daughter-in-law, brother-in-law, sister-in-law, significant other and any person sharing the employee's residence.
- (f) **Solicitations and Sales.** No person or group, employee or group of employees shall, on behalf of the County, solicit funds or other things of value from any person for personal use or benefit. No person or group, employee or group of employees shall sell things of value to persons on County property without first obtaining written permission from the County Administrator. This shall not apply to internal departmental solicitations among employees, including but not limited to farewell gifts, shower gifts, length of service gifts or donations for other charitable purposes.
- (g) **Confidentiality.** No employee or official may use or disclose privileged or confidential information gained in the course of work or by reason of his/her official position or activities. No confidential information concerning any

citizen or other employee may be released to an unauthorized person or agency. Any violation of this policy is sufficient cause for immediate termination.

**1.10 Classification Plans. [Amendment 71; Adopted 06/27/2017]**

**(a) Classification Plan.**

- (1) **Policy.** Marinette County shall maintain an employee Classification Plan. The purpose of the Classification Plan shall be to provide a system of standardized titles and standardized job descriptions for effective planning, budgeting, standards of job performance, fair and equitable pay, valid selection and recruitment programs. The classification plan shall provide for groups of positions that are approximately equal in difficulty and responsibility or that involves similar duties that may be adequately compensated.
- (2) **Job Descriptions.** A job description for every position in County service, except those defined by State Statute, shall be on file in the Human Resources Department. Human Resources shall create or update job descriptions for newly created positions, when a position becomes vacant, before a position is posted or advertised, when changes/merges occur within the job, or if the position is re-evaluated. Job descriptions shall be written according to the requirements regulated by state and federal laws.
- (3) **Employee Classifications. [Amendment 42, Adopted 05/27/2014]**
  - a. **Fair Labor Standards Act (FLSA).** All positions in Marinette County have been classified as 'exempt' or 'non-exempt' according to the provisions contained in the Fair Labor Standards Act (FLSA). The Human Resources Director is responsible for determining a position's classification.
  - b. **Category.** Employees are further classified within Marinette County by Category based on status prior to Act 10 represented or non-represented as follows:
    1. Managerial/Supervisory Category includes former 'non-represented' employees.
    2. Courthouse Category includes former 'Courthouse Union' employees.
    3. Professional Category includes former 'Professional Union' employees.
    4. Library Category includes former 'Library Union' employees.
    5. Highway Category includes former IUOE/Highway Union' employees.
    6. WPPA Category includes deputy sheriffs subject to a collective bargaining agreement.
  - c. **Types of Employees.** Employees may be classified as permanent or temporary.
    1. Permanent employees are those working on an ongoing as opposed to a temporary basis. Permanent full-time employees work equivalent to the department's normal, full-time work period on a regular basis. Permanent part-time employees work fewer hours than the department's regular full-time work period on a regular basis.
    2. Temporary employees are engaged to work full or part-time for a specific period of time. Employees subsequently hired, as permanent employees shall not receive time-in-service credit for work performed as a temporary employee.
      - a. **Limited Term Employee (LTE). [Amendment 82, Adopted 12/19/2017] [Amendment 103, Adopted 05/28/2019]**
        1. LTEs are those employees hired due to unforeseen circumstances and/or needs of a department on a temporary basis, not to exceed one thousand one hundred ninety-nine (1199) hours in a twelve (12) month rolling calendar year from date of hire. If extreme circumstances warrant additional hours, the Department Head shall receive prior approval from the County Administrator. See '**Limited Term Employee/Project Position Employee Hiring Procedure**'.
        2. LTEs are eligible for Social Security and Worker's Compensation.
        3. Limited term positions shall be compensated at Step 1 of Pay Grade A of the Carlson-Dettmann Compensation & Classification Plan adopted by County Board on 06/29/2017. If a Department Head wishes to pay an LTE a

rate other than Step 1 of Pay Grade A, he/she shall complete and submit an Entrance Pay Request to Human Resources. The justification must be approved by the Human Resources Director and County Administrator. A former County employee, who returns as a LTE to serve in a permanent position previously held, shall be compensated at the same pay as when employment terminated. **[Amendment 103, Adopted 05/28/2019]**

4. Employees who have previously been employed by the County and are returning to the same position or who are currently serving as LTEs shall continue at their established rate of pay. If the Department Head wishes to modify this rate of pay, he/she shall submit written justification to the Human Resources Department. The justification shall be approved by the Human Resources Director and the County Administrator for the rate of pay to change.
5. Limited term employees do not accrue benefits.
6. A retired employee participating in a Health Reimbursement Arrangement Account is not eligible for rehire. **[Amendment 03, Adopted 05/28/2019]**
7. In the event an LTE works for two consecutive years in the same position within the same department with a relatively consistent work schedule of 600 or more hours each year and the Department Head justified to the Administrator the need for the position and the Administrator approves, the position shall become a permanent part time position effective the first of the following year. In the event the same employee has consistently filled the LTE position, the employee will be awarded the position without posting and shall be required to serve a probationary period. **[Amendment 65, Adopted 02/28/2017]**

b. **Permanent Seasonal Employee.**

1. The County hires seasonal employees for seasonal work. The wage rate and benefits shall be set by the appropriate bargaining agreement. See 'Permanent Employee Hiring Procedure'.

c. **Intern. [Amendment 3, Adopted 04/17/2007]**

1. Interns are persons who perform work for the County on a part-time or temporary basis without compensation in order to obtain work experience. If a Department head determines his/her department has the time to accommodate an intern/shadow, that Department head shall submit an intern request in writing to the County Administrator for final approval.
2. Interns are not County employees and are not eligible for benefits.

d. **Project Position Employee.**

1. Upon recommendation of the Department Head with the approval of the County Administrator and Committee of Jurisdiction, the Administrative Committee may authorize a project position employee.
2. Project employees are eligible for Social Security, Worker's Compensation and WI Retirement if the employee works twelve hundred (1200) hours or more. See 'Limited Term Employee/Project Position Employee Hiring Procedure'. **[Amendment 51, Adopted 04/21/2015]**

(4) **Establishing Positions [Amendment 32; Adopted 09/18/2012]**

Prior to any other action, the County Administrator must be consulted and approve any and all new positions. If the County Administrator denies the position request, the process ends. Upon approval of the County Administrator, the following procedures apply. :

- a. Permanent Position

1. The Administrative Secretary shall create a timeline of committee meetings for approval of the position request.
  2. The Department Head shall complete and submit the Position Request Form to Human Resources.
  3. In conjunction with Human Resources, the Department Head shall create a job description. Concurrently, the Department Head shall place the position request on the agenda for his/her committee of jurisdiction as an action item.
  4. Administration and Human Resources shall begin the compensation evaluation process.
  5. Upon completion of the job description and wage scale, the Department Head shall forward the job description, wage scale information and Position Request Form to the Finance Department for computation of total cost.
  6. The Finance Department shall forward all documentation to the County Administrator for approval. If the County Administrator denies the position request, the process ends.
  7. Upon approval of the County Administrator, Administration shall forward all information to the Administrative Committee. If the Administrative Committee denies the position request the process ends. Upon approval of the Administrative Committee the request will be forwarded to the County Board for final approval.
  8. Upon County Board approval of the position, the Department shall work with Human Resources to fill the position.
- b. Limited Term/Project Position
1. If funding is available in the departmental budget through salaries with or without fringes, the Department Head shall complete and submit the Position Request Form to the County Administrator for approval to transfer funds to the appropriate account. If the County Administrator approves the position, the Department Head shall submit the request to Human Resources and then work with Human Resources to fill the position
  2. If funding is not available through salaries with or without fringes, the Department Head shall:
    - a. Complete and submit the Position Request Form to the County Administrator to transfer funds from the proposed funding source. If the County Administrator does not approve the request/transfer, the process ends.
    - b. If the County Administrator approves the transfer, the Department Head shall place the request on the agenda for his/her committee of jurisdiction as an action item. Administration shall forward the request to the Administrative Committee for position approval and fund transfer approval. If the Administrative Committee denies the request the process ends.
    - c. If the Administrative Committee approves the request, Administration shall forward the request to County Board for approval.
    - d. Upon County Board approval of the position, the Department shall work with Human Resources to fill the position.
- c. Intern Position
1. In the event a Department Head determines his/her department has sufficient time to accommodate an intern/shadow, the Department Head shall submit a written intern request to the County Administrator for approval.
  2. If the County Administrator approves the request, the Department Head shall place the request on the agenda of his/her Committee of Jurisdiction as an informational item.
- (5) **Status Changes to Existing Positions [Amendment 32; Adopted 09/18/2012]**
- a. Increase of Work Hours
    1. Prior to allowing a permanent employee to work hours in excess of the original budget, a Department Head shall obtain approval from the County Administrator. A Department

Head shall submit the Position Request form to the County Administrator setting forth reasons the position warrants an increase of hours. Denial of the request by the County Administrator ends the process.

2. In the event the County Administrator approves and additional funding is not required, Administration shall provide Human Resources with a copy of the approved Position Request Form.
  3. In the event the County Administrator approves and funding is required, the Department Head shall place the request on the agenda for his/her committee of jurisdiction as an informational item. Administration shall forward the request to the Administrative Committee and County Board. If the Administrative committee denies the request, the process ends. Upon County Board approval, Administration shall provide Human Resources with a copy of the approved Position Request Form.
- b. Changes to Position Titles and/or Departmental Organizational Chart.
1. **Position title change.** The Department Head shall complete and submit a Position Request Form to the County Administrator stating the reason for the position title change. Upon approval, Administration shall provide Human Resources with a copy of the approved Position Request Form. The Department Head shall place the item on the agenda for his/her committee of jurisdiction as an informational item.
  2. **Departmental Organizational Chart.** The Department Head shall submit the Position Request form to the County Administrator justifying the requested change. Upon approval of the County Administrator, the Department Head shall place the item on the agenda for his/her committee of jurisdiction as an informational item. Administration shall forward the request to the Administrative Committee and County Board for final approval.
- c. Changes to Work Location. To change the work location of an established position, a Department Head shall complete and submit a Position Request Form to the County Administrator. If approved, Administration shall provide Human Resources with a copy of the approved request.
- d. In the event the title of or department reporting to position changes, the incumbent employee shall automatically be awarded the position without a job posting or status change. **[Amendment 59, Adopted 10/25/2016]**

**(6) Eliminating Positions. [Amendment 49; Adopted 11/12/2014]**

- a. A Department Head requesting elimination of a vacant position shall do so by submitting a written request including justification to the County Administrator. If the County Administrator approves, the Department head shall place the elimination on the applicable governing committee agenda. If the governing committee approves eliminating the position, the Department Head shall provide Human Resources and Finance with approval minutes. If the governing committee does not approve, the position remains.
- b. A Department Head requesting elimination of a position and create a different position in lieu of shall do so through the Position Request Form process.

**1.105 Compensation Plan. [Amendment 71; Adopted 06/27/2017] [Amendment 87, Adopted 02/27/2018]**

- (a) **Implementation of Carlson Dettmann 2017 Compensation and Classification Plan.** Upon adoption of the Carlson Dettmann Compensation and Classification Plan by the County Board, effective pay period commencing July 16, 2017, all full and/or part time permanent employees in positions identified in the plan shall be moved to and placed the step that provides a pay increase with the following exceptions:
- (1) Employees with not less than two (2) full continuous years of service in the same position prior to January 1, 2017 shall not be placed below step 2.
  - (2) Employees with not less than three (3) full continuous years of service in the same position prior to January 1, 2017 shall not be placed below step 3.

- (3) Employees with not less than four (4) full continuous years of service in the same position prior to January 1, 2017 shall not be placed below step 4.
  - (4) Employees with not less than five (5) full continuous years of service in the same position prior to January 1, 2017 shall not be placed below step 5.
  - (5) Employees classified above step eleven (11) shall remain at the same hourly rate/salary.
- (b) **Option to convert to forty (40) hours per week.**
- (1) Salaried employees classified as less than forty (40) hours-per week shall be given the option to become a forty (40) hour per week employee and shall notify the County Administrator by not later than July 10, 2017 whether it is their intent to become a forty (40) hour per week employee effective 01/01/2018 or to remain at the employee's current hour per week schedule. This classification will be used to determine the step the employee will be placed in the Carlson Dettmann wage schedule. An employee choosing to be classified as forty (40) hours per week shall receive vacation, personal time, and sick time in eight (8) hour days effective January 1, 2018. A vacation bank accrued prior to 2018 shall be converted to an eight (8) hour day bank, a sick bank will not be converted and will carry into 2018.
  - (2) In future years any remaining less than forty (40) hour per week salaried employee shall, prior to August 1, provide written intent to the County Administrator to be classified as a forty (40) hour salaried employee. Once an employee opts to become a forty (40) hour employee, the employee remains a forty (40) hour employee for the duration of employment with the County.
  - (3) Salaried less than forty (40) hour per week employees will be placed in the plan at the next step providing an increase, or if above step eleven (11), red-circled with no opportunity for advancement in the plan. If a salaried less than forty (40) hour a week employee elects to be classified as a forty (40) hour per week salaried employee the forty (40) hour per week status shall become effective January 1 of the new budget year.
  - (4) Employees classified as thirty-five (35) hour salaried exempt prior to implementation of the Carlson Dettmann plan, and under the plan reclassified as non-exempt employees, shall have the same option as salaried employees classified as less than forty (40) hours per week to elect to become forty (40) hour per week employees.
- (c) **Pay Adjustments.** Pursuant to Marinette County Code 2.07 (6)(m) the Administrative Committee shall address pay adjustments each year as part of the budget process for the following calendar year. Employees shall receive pay adjustments based upon the Carlson Dettmann Compensation and Classification Plan. Employees below step six (6) shall increase one step per year and employees at or above step six (6) shall advance one step in even years. In odd years, compensation shall be adjusted to reflect the cost of living. The cost of living shall be equivalent to a positive percentage change in the Consumer Price Index - Wage (CPI-W) for July-June for the previous two-year period, or two and one-half (2.5) percent whichever is less. Employees shall not advance any step if the employee has received a step two (2) or higher discipline, as defined by these Policies and Procedures, within the preceding two (2) years. In addition salaried employees identified as thirty five (35) hour per week employees shall not advance in the plan but shall receive the same cost of living increase used to adjust the plan in odd years. Employees who are above step eleven (11) and red-circled shall receive the same cost of living increase used to adjust the plan in the odd years. **[Amendment 102, Adopted 05/28/2019]**
- (1) The County Psychiatrist, not included in the Carlson Dettmann plan, shall receive an annual cost of living adjustment commencing July 16, 2017. The cost of living adjustment shall be equivalent to a positive percentage change based on the most current annual year-end CPI-W.
- (d) **Classification Appeal Process.** In the event an employee believes an error has been made in his/her position classification, the employee may request a re-evaluation. Reevaluations shall be focused on the Job Description Questionnaire (JDQ). The appealing employee shall provide information solely based on either JDQ creation errors or consultant evaluation of the JDQ. Appeal process steps:

- (1) The employee shall submit a signed Statement of Intent to Appeal form to Human Resources in a timely fashion requesting review of the Carlson Dettmann Consulting Point Factor Job Evaluation levels for the employee's classification. As the Carlson Dettmann Consulting Point Factor Job Evaluation system is a proprietary product, Human Resources will provide a non-disclosure form requiring the employee signature and arrange a time for the employee to review the rating levels in the Human Resources Department.
  - (2) Based on the employee's review, if the employee wishes to appeal, the employee shall complete an appeal form. The appeal form must include a statement explaining why the employee believes the JDQ was not correctly completed or how the consultant committed an error in classifying the position.
  - (3) The Department Head shall review the information provided by the employee, certify it is factual and correct, sign the Department Head appeal review portion of the form and provide comments. The Department Head shall submit the appeal with supporting documents to Human Resources.
  - (4) The Consultant will discuss the appeal with the County Administrator, Human Resources Director and the employee's Department Head, reviewing the substance and merits of each appeal. The Consultant will make a recommendation to the County Administrator on each appeal with a recommendation to uphold or deny the appeal with an explanation for the recommendation. The County shall accept the recommendation of the Consultant and Human Resources shall notify the employee of the appeal decision within ten working days of the receiving the determination from the County Administrator.
- (e) **Entrance Pay.** Entrance Pay is defined as the wage paid for newly hired Marinette County employees. The hiring rate is the Minimum/Step 1 level for the position. If a Department Head wishes to hire at a rate higher than the Minimum/Step 1 level, he/she shall make a written request with justification to the Human Resources Director. Proposed entrance pay up through the Control Point/Step 6 level shall require written approval from the County Administrator and Human Resources Director. Entrance pay higher than the Control Point/Step 6 level shall require written approval from the County Administrator, Human Resource Director, Governing Committee Chair and County Board Chair. **[Amendment 77; Adopted 09/19/2017]**
- (f) **Employees Changing Positions.** An employee changing to a position which results in an increased pay category by one grade shall be placed in a step within the pay category that provides a two percent (2%) increase in pay or step one (1), whichever is greater. An employee changing to a position which results in an increased pay category by two or more grades shall be placed in a step within the pay category that provides a four percent (4%) increase in pay or step one (1), whichever is greater. An employee changing to a position which results in a lesser pay category shall be placed in a step as if the employee were a new hire. If a department head feels there are extenuating circumstances in which the above language should not be followed, he/she may complete an Entrance Pay Request and must receive written approval from the County Administrator, Human Resources Director, Governing Committee Chair and County Board Chair. Employees changing to a position within the same pay grade shall be placed at a step through the Entrance Pay Request process. **[Amendment 77; Adopted 09/19/2017]**
- (g) **Significant Change in Existing Vacant Position.** Significant changes to positions shall be addressed through the elimination and creation of a new position process. A newly created position shall be evaluated and the pay grade shall be established by a contract consultant.
- (h) **Overtime; Compensatory Time.** It is the policy of the County to keep overtime and compensatory time to a minimum. Department Heads or management designee shall approve all overtime and compensatory time in advance. Permanent non-exempt employees shall work overtime only when approved to do so by the Department Head or management designee.
- (1) All non-exempt employees, excluding those working under the 29 USC §207(k) exemption, shall receive overtime pay for hours exceeding forty (40) hours in a work week. Hours used to calculate overtime pay shall consist of hours worked, holiday hours, vacation hours and personal time hours, but shall not include sick or bereavement hours.

- (2) Non-Exempt employees who accept an Exempt position and have a compensatory time balance shall be paid for the compensatory time at the applicable non-exempt rate of pay on the payroll after the start date of the exempt position.
- (3) With Department Head approval, non-exempt employees may, in lieu of overtime pay, accrue compensatory time at one and one-half (1 1/2) times the hours worked. Overtime and compensatory time shall not be accrued for hours worked in excess of thirty-five (35) but less than forty (40) per week. **[Amendment 98; Adopted 12.18.18]**
  - a. Effective January 1, 2019, compensatory time accrued will be limited to sixteen (16) hours. Any employee with unused compensatory time as of the end of the employee shift on December 31, 2018 shall accrue no additional compensatory time until the total accrued compensatory time drops to zero. Employees with compensatory time earned in the prior years will be required to use compensatory time before using vacation hours.
  - b. Highway non-exempt employees may not accrue compensatory time and shall automatically be paid overtime earned.
  - c. Any employee whose compensatory time accrual is at maximum shall be paid for hours worked in excess of the maximum.
  - d. All compensation time earned as of January 1, 2019 shall be used each year or will be paid out by the County on the last payroll of the year in which it is earned.
  - e. Compensatory time shall be taken with discretion, at a time which shall not unduly disrupt operations, subject to supervisor approval.
  - f. Compensatory time may not be used to extend an employee's last date of employment.
  - g. At termination of employment with Marinette County for any reason, unused accrued compensatory time shall be paid to the employee.
- (4) Employees considered Salaried Professional/Computer exempt per the Fair Labor Standards Act (FLSA) are expected to work the time required to complete the job. Salaried Professional/Computer exempt employees shall accrue one hour of compensatory time for every hour exceeding eighty (80) hours per pay period. These compensatory hours shall be capped at sixteen (16) total hours and are not eligible for payout. Salaried Professional/Computer exempt employees must receive approval from the Department Head or management designee to accrue compensatory hours. With Department Head approval, limited flexibility of the work schedule is acceptable. Limited flexibility of the work schedule does not include establishing a consistent or patterned flexible weekly work schedule. **[Amendment 98; Adopted 12.18.18]**
  - (i) **Shift Differential for Evening Positions.** Effective January 1, 2018, employees working evening shift shall receive \$0.25 per hour in addition to the regular hourly rate for all hours worked. Shift differential shall be paid only for actual time worked. Shift differential pay shall not apply to extending a day shift into the evening or starting a day shift early in the morning and extending into the day shift.
  - (j) **Lead Worker.** Effective January 1, 2018, any employee who, for four (4) hours or more, is assigned by a department head/elected official or designee to perform lead worker duties shall be paid an additional \$.50 per hour. There shall be only one lead worker eligible to receive lead worker pay for each department at a work site. Lead worker pay only applies in the absence of a management employee at a work site. Lead worker pay shall only apply to time physically worked. If applicable, overtime shall be calculated using lead worker compensation.
  - (k) **Travel Per Diem.** Highway Department Equipment Operators I & II shall receive a five (5) dollar per week travel per diem payment for each full week physically worked during the months of May through October to offset the expense of reporting to a work site other than a County Highway shop. Employees will receive as two lump sum payments; 08/15 of each year for May, June and July and 11/15 of each year for August, September and October. Effective August 5, 2019 employees will receive payment as part of their bi-weekly

payroll. **[Amendment 105; Adopted 7.30.19]**

- (l) **On Call Pay.** Effective October 8, 2017, Department Heads/Elected Officials shall receive prior written authorization from the County Administrator to utilize On Call Pay for any position within their Department. Hourly employees required to be on call during off duty hours shall be compensated at a rate of one (1) dollar per hour. On Call pay shall not apply to hours of work and shall be included in overtime. The Department Head/Elected Official or designee shall notify the employee of being placed in an on call status in writing/email with a minimum of eight (8) hours advance notice or a shorter notice if approved by both parties in writing. Employees in on call status shall provide a valid contact telephone number to a designated person/entity and shall report to work within one (1) hour of notification. Employees failing to report for work shall be subject to the disciplinary process.
- (m) **Call in Pay.** Effective October 8, 2017, hourly employees not on call and/or not scheduled to work shall be paid two (2) hours pay in addition to pay received for actual time worked as compensation for being required to work outside the normal work schedule. These two (2) additional hours shall be used to calculate overtime pay.

#### **1.11 Travel, Meal and Lodging Allowances.**

- (a) **Purpose.** This section shall establish a uniform system for determining County responsibility for expenses incurred by employees performing official duties when travel is required. This section shall set forth the responsibilities of those who incur such expenses, seek approval for such expenses and account for the same.
- (b) **Travel Policy.**
  - (1) Employees shall be reimbursed for all reasonable, necessary and actual travel expenses incurred in the performance of authorized official duties, subject to the limitations in this section.
  - (2) All travel expenses must be budgeted in advance of authorization.
  - (3) Normal travel expenses such as parking, road and bridge tolls are reimbursable through the employee's expense voucher and shall be charged to the respective department's budget.
  - (4) Expenditures in excess of those authorized in this Manual shall be the responsibility of the employee.
  - (5) Employees performing official travel outside of Marinette County shall coordinate such travel arrangements and authorization with the employee's Department Head.
  - (6) A County employee requesting to attend a convention, seminar, or training outside the State of Wisconsin, with the exception of the Upper Peninsula of Michigan, shall obtain prior approval from the employee's Department Head and the Committee of Jurisdiction. A County employee requesting to attend a conference, seminar or training in the Upper Peninsula of Michigan shall obtain prior approval from the employee's department head.
  - (7) Employees shall exercise good judgment in incurring travel costs. The employee's supervisor is primarily responsible for auditing travel expenditures.
  - (8) The operator is responsible for any fines or forfeitures due to a violation of state or local traffic laws and parking violations.
- (c) **Transportation.**
  - (1) **Air Travel.**
    - a. The maximum permitted amount for air travel shall be limited to the most economical airfare available. The making of reservations well in advance is recommended so as to assure that the lowest possible airfare is attained.
    - b. Authorization for air travel is subject to approval of Department Head and the Committee of Jurisdiction.
    - c. A receipt for payment must be attached to the travel expense form.
    - d. Reasonable charges for taxis and airport limousine services, including tips at a maximum rate of

fifteen percent (15%) of the charge, are reimbursable.

- (2) Vehicle Rental.
  - a. Use of rental vehicles is encouraged when the vehicle rental is the most practical and economical mode of transportation determined by the employee. Only rental agencies that provide the most favorable contract terms shall be used.
  - b. If the vehicle rental agreement is not a direct charge to the County, the rental agreement should be attached to the travel expense form, along with all gas receipts, for reimbursement.
  - c. Employees shall be reimbursed for the cost of a mid-size model vehicle, unless non-availability of this size vehicle is documented by the car rental agency. For large employee groups, reimbursement of a larger size vehicle is allowed.
  - d. Employees should not purchase vehicle rental insurance. Personal insurance, and/or any additional charges incurred for personal use by the employee when using a rented vehicle are not reimbursable.
- (3) County Motor Pool Vehicles.
  - a. Due to the difference between the motor pool mileage rate and the IRS mileage reimbursement rate, employees shall make every effort to use motor pool vehicles if available.
  - b. Only County employees with a valid and insurable driver's license shall be permitted to operate or schedule the use of motor pool vehicles.
  - c. For instructions on scheduling the motor pool vehicles, vehicle key location and employee priority/bumping rules see applicable '**Motor Pool Policy**', '**Courthouse Sub-Pool Procedures**', '**Human Services Sub-Pool Procedures**' or contact the Facilities Director.
  - d. The operator is responsible for returning the vehicle and vehicle keys as stated in the '**Courthouse Sub-Pool Procedures**' or the '**Human Services Sub-Pool Procedures**'. Non-compliance may result in disciplinary action and payment for lost keys.
  - e. No smoking is allowed in any motor pool vehicle.
  - f. Clients of County agencies, employees of other governmental agencies, and spouses or significant others of County employees may be provided transportation in motor pool vehicles on a space available basis when such vehicles are utilized for the purpose of attending seminars, meetings or conventions.
  - g. Temporary overnight basing of County owned motor pool vehicles at the home of an employee require approval of the Department Head and notification of applicable information to the Facilities Director.
  - h. A Voyager Fleet Services credit card is located in the motor pool vehicle glove box for fuel purchases outside of Marinette County. Instructions for usage are located in the vehicle glove box.
  - i. Employees shall contact the Facilities Director or maintenance personnel for approval during normal work hours for emergency repairs exceeding one hundred dollars (\$100). Employees shall contact County Dispatch after work hours for emergency repairs exceeding one hundred dollars (\$100). Dispatch shall contact a maintenance employee for assistance. The Dispatch phone number shall be located in the vehicle glove box.
  - j. In the event of an accident, the operator shall complete an accident report located in the vehicle glove box. Operator shall notify the appropriate law enforcement agency of the accident. The employee's accident report and police report shall be forwarded to the Finance department as soon as practical. The Maintenance department shall forward written estimates to repair vehicle damage to the Finance department.
  - k. Employees shall complete the vehicle mileage log.
  - l. Employees shall forward a written document to Maintenance for any incident or damage to a motor pool vehicle occurring during the employee's possession. If an employee notices vehicle damage upon check out, immediately report the damage to Maintenance to avoid being held responsible for the damage. Do not enter vehicle repair issues on the mileage log.

- m. Employees are responsible for vehicle interior cleanliness, which includes but is not limited to removing beverage containers, food wrappers, bags, papers and all other items not assigned to the vehicle.
  - n. The operator is responsible for monitoring oil and fluid levels, tire pressure and warning lights and gauges.
  - o. Operators shall return vehicles to the proper location with more than one-half (1/2) tank of regular grade fuel from approved charge locations and turn in fuel receipts in accordance with the applicable '**Courthouse Sub-Pool Procedures**' or '**Human Services Sub-Pool Procedures**'.
- (4) Motor Pool Vehicles Assigned to a Specific Department. The following only applies to vehicle repairs that are charged to the Facilities Director's maintenance budget:
- a. County owned department vehicles assigned to employees shall be used for official travel purposes only.
  - b. All gas receipts shall be sent to the Facilities Director.
  - c. Scheduled vehicle maintenance shall be performed at approved vendors.
  - d. Repairs or work performed on vehicles exceeding one hundred dollars (\$100.00) shall be coordinated with the Maintenance department. Receipts for expenses one hundred dollars (\$100.00) or less shall be submitted to the Facilities Director as soon as practical. For emergency repairs that exceed five hundred (\$500.00) dollars see Section 1.11(c)(3)(i).
  - e. Vehicles shall be based at the employee's work place unless the Committee of Jurisdiction has given special authority to allow the vehicle to be based at the home of the employee. Utilization of County-owned vehicles for the purpose of commuting from home to work, which are subject to Internal Revenue Service reporting regulations, shall be subject to control of the County Board. Documentation of such use shall be filed on a monthly basis with the County Finance Department. Documentation is not required for vehicles exempted by IRS.
- (5) County Owned Department Vehicles not Assigned to the Motor pool.
- a. County owned department vehicles shall be used for official travel purposes only.
  - b. Vehicles shall be based at the employee's work place unless the Committee of Jurisdiction has given special authority to allow the vehicle to be based at the home of the employee. Utilization of County-owned vehicles for the purpose of commuting from home to work, which are subject to Internal Revenue Service reporting regulations, shall be subject to control of the County Board. Documentation of such use shall be filed on a monthly basis with the County Finance Department. Documentation is not required for vehicles exempted by IRS.
  - c. The Department Head shall approve repairs or maintenance costs for department County vehicles that are not assigned to the Motor Pool.
- (6) Privately Owned Vehicles.
- a. Privately owned vehicles may be used when County motor pool vehicles are not available. Due to the difference between the motor pool mileage rate and the IRS mileage reimbursement rate, employees shall make every effort to use motor pool vehicles.
  - b. The standard County mileage allowance for use of private vehicles shall be paid in accordance with the standard mileage rate established by the Internal Revenue Services, excluding any mileage accumulated for personal reasons.
  - c. Mileage reimbursement shall be from the employee's home or work location, whichever is less, to the employee's place of destination. If an employee must travel to a County facility to obtain equipment, mileage reimbursement shall only be allowed from County facility to place of destination.
  - d. Normal travel expenses such as parking, road and bridge tolls are reimbursable and shall be charged to the respective department's budget.
  - e. Vehicle repairs, insurance or tow services are not reimbursable.
  - f. The operator of a personal vehicle used for transportation shall only claim mileage reimbursement.

Passengers may not claim mileage reimbursement.

- g. Spouses or significant others may accompany County employees when private transportation is utilized. Travel or other expenses are not reimbursable for spouses or significant others.
- h. The County is not the primary insurer for liability coverage involving the use of private vehicles. It is required that all County employees, who use private vehicles to travel an average of 100 miles per month for County business, carry adequate liability insurance. The recommended amounts of insurance coverage are \$100,000 per person, \$300,000 per accident bodily injury, \$50,000 per accident property damage, or \$300,000 combined single limit. A copy of such insurance must be filed with the Finance Department at the time of hire and at each subsequent insurance renewal or change. The County's vehicle and umbrella insurance policies shall provide all coverage in excess of the aforementioned amounts.

(d) **Meal Expenses.**

- (1) Employees shall only be eligible for reimbursement of meal costs incurred in the performance of the employee's official duties when such duties require the employee to travel outside of Marinette County. Employees are not eligible for any in County meal reimbursement unless the employee is attending an in County convention or seminar and the Committee of Jurisdiction has authorized the employee to attend and claim meal reimbursement.
- (2) Claims for meals shall represent actual, reasonable and necessary costs. Meals included in the cost of lodging or registration fees shall be deducted from the applicable meal allowance.
- (3) Employees must use personal, not county funds, for meals and submit an employee expense statement for reimbursement. **[Amendment 29, Adopted 05/29/2012]**
- (4) Maximum daily permitted amounts for meals, including tax and tips are:
  - a. Breakfast \$ 7.00 Trips requiring the employee to stay overnight or leave before 6:30 a.m.
  - b. Lunch \$10.00
  - c. Dinner \$17.00 Trips requiring the employee to stay overnight or return after 6:30 p.m.
  - d. Above amounts are for partial day trips only. Employees required to travel for a full day or more shall be allowed \$34.00 per day for meals. No specific meal distinction is required.
  - e. Employees shall not exceed the meal maximum amount. Receipts are not required because no meal reimbursement claim shall be processed for any amount that exceeds the maximum.
- (5) Only employee meals are reimbursable.
- (6) Alcoholic beverages or entertainment are not reimbursable.
- (7) For income tax purposes, business meals must be separated from non-business meals as stated on the employee travel expense form.
- (8) A County Department Head may authorize the provision of snacks and beverages at the County's expense at an amount not to exceed \$3/day per attendee at County sponsored trainings, meetings or events which include the attendance of persons who are not County employees. **[Amendment 7, Adopted 08/28/2007]**

(e) **Lodging Expenses.**

- (1) The choice of lodging should be based primarily on cost with consideration being given to accessibility in conducting business.
- (2) Lodging expenses shall not be reimbursed for the night prior to a meeting if the employee may reasonably arrive on time for the meeting by leaving no earlier than 6:30 a.m. on the day of the meeting.
- (3) Reservations for overnight lodging accommodations shall be made well in advance to provide sufficient time for submittal of a County purchase order. Only lodging and meal expenses shall be allowed on a purchase order.
- (4) To receive the government rate for lodging, employees should use their business address and identification badge. Tax-exempt status forms are available from the County Clerk's office. Reimbursement requests for State taxes charged on lodging shall not be paid. **[Amendment 104, Adopted 05/28/2019]**
- (5) The maximum allowed for overnight lodging shall be the current State rate unless that rate is unavailable. If the State rate is unavailable, reimbursement shall be capped at the maximum advance reservation rate

charged by the host hotel(s) for the event or the receipt amount if there is no hosting hotel(s). **[Amendment 104, Adopted 05/28/2019]**

- (6) Travel expenses shall be reimbursed at the single room rate. If spouses or significant others occupy the employee's room, the employee shall be responsible for the cost difference.
- (7) Spouses or significant others traveling with a County employee shall not be allowed to sign for any room charges that shall be direct billed to Marinette County.
- (8) Expenses for personal phone calls or in-room movies are not reimbursable.
- (9) An itemized receipt for all lodging claims shall be attached to the employee travel expense form. Absence of receipts shall result in the claim not being processed.
- (10) Employees shall observe hotel checkout times to avoid a charge for the delay of departure. Employees shall not be reimbursed for late checkout.
- (11) Expenses for lodging at private homes or facilities, which are not licensed as hotel, motel, or tourist rooming houses are not reimbursable.

(f) **Advance Payments/Cash Advances.**

- (1) All advance payments must be requested through the voucher process and submitted to the Committee of Jurisdiction for approval.
- (2) Advance payment of costs shall be made payable directly to the vendor.
- (3) Requests for cash travel advances to meet abnormal travel expenses shall be in writing to the Finance Director who shall forward the request to the Administrative Committee and the County Board for approval. The County Board Chairperson may approve such requests on an emergency basis. These approved requests shall be filed with the Finance Department and become a charge against the employee until such time as the travel claim is settled.

(g) **Miscellaneous Expenses.**

- (1) Registration fees. Registration expenses are reimbursable for attendance at trainings, seminars, meetings and conventions when attendance at such events has been authorized by the Department Head. Receipts shall be attached to the employee travel expense form if not paid directly by advance payment.
- (2) Telephone.
  - a. Credit Card. Employees must receive Department Head approval prior to submitting a written request to the County Clerk for a telephone credit card. The County Clerk shall obtain the card and forward it to the Department Head for distribution to the employee. The Department Head shall return the credit card to the County Clerk upon employee's termination of service with the County.
  - b. Business Calls. Employees who are not issued County telephone credit cards may claim reimbursement for both local and long distance telephone business expenses incurred for County business purposes. The original or photocopy of the telephone billing must be attached to the employee travel expense form.

(h) **Claiming Reimbursement of Authorized Expenditures.**

- (1) Reimbursement rates shall be set by the County Board and shall apply equally to all employees incurring expenses in the course of official County business.
- (2) All claims for reimbursement shall be documented on a ' **Marinette County Expense Account Statement**' with applicable receipts.
- (3) The expense account statement reviewed and approved by the Department Head shall be submitted to the Finance Department. **[Amendment 16, Adopted 07/27/2010]**
- (4) The Finance Department shall review all expense vouchers prior to payment for compliance with this Manual. In cases of a dispute over an item, the employee shall submit a written explanation regarding the expense to the Finance Department. The Finance Director in conjunction with the County Administrator shall make a decision regarding reimbursement of the questionable expense.

**1.12 Employment/Hiring.**

- (a) **Policy.** It shall be the policy of the County to recruit and select the most qualified persons for positions in the County's service.
- (b) **Vacancies.** The Department Head shall notify Human Resources when a vacancy exists or is anticipated in an existing position or classification. The Department Head and Human Resources Director shall review the position with the County Administrator to determine whether to fill the position. Upon receiving approval to hire for the position, the procedure is as follows:
  - (1) The Department Head or immediate supervisor shall be responsible for review of the job description to determine if it is accurate for the position. If changes must be made to the job description, the Department Head shall complete and submit a '**Job Description Questionnaire Form**' to Human Resources by following the procedure on the form.
  - (2) Any changes to job descriptions that, in the opinion of the Human Resources Director, have the potential to result in a wage scale reclassification must be submitted to Administration for re-evaluation. See Section 1.10 (5)(c) for applicable forms and instructions.
  - (3) If the job description is accurate and no changes are required, the Department Head shall complete and submit a '**Request for Job Posting/Advertisement Form**' to Human Resources by following the procedure on the form.
- (c) **Employee Career Advancement.** Vacancies shall be filled internally when practical, and when there are qualified eligible permanent employees. The County may conduct open recruitment to secure additional candidates when it is deemed in the best interest of Marinette County.
- (d) **Department Internal Procedure for Non-Represented Position Opening.** When a non-represented position opening occurs within a department, the requirement to open the position to all employees or outside applicants is waived; an employee may be internally advanced if the employee meets qualifications of the position.
- (e) **Union or Non-Union Status.** If Marinette County determines an existing position should change from Union status to Non-Union status or Non-Union status to Union status, and the status is the only change, the incumbent employee shall automatically be awarded the position without a job posting.
- (f) **Designation of Appointing Authority.** The County Administrator shall appoint the heads of all departments, except elected officials. The County Administrator shall obtain confirmation from the County Board for all appointments. The head of each department shall be the appointing authority for subordinate positions in that department. **[Amendment 93; Adopted 12.18.18]**
- (g) **Recruitment.**
  - (1) **Administrative Responsibility.** The Human Resources Director shall develop and conduct an active recruitment program designed to meet current and projected County workforce needs. Recruitment shall be tailored to the specific position and shall be directed to sources likely to yield qualified candidates. **[Amendment 93; Adopted 12.18.18]**
  - (2) **Postings and Advertising.** **[Amendment 31; Adopted 08/28/2012] [Amendment 56; Adopted 08/30/2016] [Amendment 93; Adopted 12.18.18]**
    - a. Internal postings for positions shall be emailed to all employees and posted in Human Resources. Positions shall be posted for a minimum of ten (10) working days. The Human Resources Director may shorten posting time in cases of immediate need, unusual circumstances, or filling of limited term, temporary or seasonal positions.
    - b. The Human Resources Director or designee, in coordination with Department Head, shall determine if outside advertising is appropriate for each position. The Human Resources Director, in consultation with the Department Head, may authorize ongoing recruitment for positions if necessary.
    - c. All permanent County employees may apply and shall be considered for positions advertised to outside candidates.
    - d. Postings shall minimally include the following:

1. Department.
  2. Position title.
  3. Title of position supervisor.
  4. FLSA status.
  5. Position status – permanent, full-time, part-time or seasonal.
  6. Hours of work.
  7. Minimum salary.
  8. Starting date.
  9. Job description.
  10. Application or resume deadline.
  11. How to apply instructions.
- e. Public advertisement shall minimally include the following:
1. Marinette County as Employer.
  2. Position title.
  3. Position summary.
  4. Qualification.
  5. Hours of work.
  6. Minimum salary.
  7. Offer of benefit package.
  8. Application or resume deadline.
  9. How to apply instructions.
- (3) **Recruitment List.** Persons who apply for a position at Marinette County may be considered for a similar position for a period of twelve (12) months. Human Resources shall maintain applicant position files.
- (4) **Application Form.** Employment applicants shall be required to apply by resume or '**Marinette County Application**'.
- (5) **Rejection of Applications.** Following consultation with the Human Resources Director, the Department Head may reject all non-qualified applications for a position.
- (6) **Rejection Notices.** The Human Resources Department shall promptly create a rejection letter and distribute the letter to the proper department who sends the letter to an interviewed applicant not awarded the position.
- (7) **Most Qualified Applicant Standard.** The Department Head shall work in cooperation with Human Resources to select the most-qualified applicant for screening and final consideration for hire. The Department Head shall have the opportunity to review all applications submitted for department vacancy.
- (8) **Recruitment and/or Moving Expense Reimbursements.**
- a. It shall be the general policy of Marinette County not to reimburse prospective or newly hired employees for interview or moving expenses.
  - b. To attract employees with extraordinary qualifications or for competitive reasons, the Marinette County Board of Supervisors may deem it necessary and appropriate to reimburse candidates all or some of the cost of interview and/or moving expenses.
  - c. The County Board shall address reimbursements on a case-by-case basis and a motion shall be adopted to authorize payment.
  - d. The County Board may also attach conditions to the payment, such as an agreement to repay Marinette County in the event the new employee terminates employment with Marinette County within a specified period of time.
- (h) **Applicant Evaluation.**
- (1) **Policy.** The evaluation process shall be consistent with Marinette County's policy of recruiting and employing the most-qualified applicant.
  - (2) **Evaluation Process.**
    - a. The Human Resources Department shall oversee the evaluation process countywide and ensure the

most-qualified applicants are selected to participate.

- b. Departments shall follow Marinette County's '**Permanent Employee Hiring Procedure**' or '**Limited Term Employee/Project Position Employee Hiring Procedure**' when filling vacant positions.
- c. Human Resources shall conduct background checks and schedule pre-employment drug screens and physicals. All drug screens and physicals shall be at the County's expense and at a location chosen by the County.
- d. Drug screens and physicals shall be performed only after a conditional offer of employment has been made.
  - 1. A drug screen is mandatory for all new employees hired at Marinette County.
    - a. An applicant for a position requiring a Certified Drivers License (CDL) shall submit to a Department of Transportation (DOT) drug screen.
    - b. Applicants for all positions not requiring a CDL shall submit to a non-DOT drug screen.
  - 2. Physicals are required for certain Marinette County positions, including but not limited to:
    - a. All positions requiring a CDL.
    - b. All Sheriff's department positions with the exception of clerical.
    - c. All light industrial positions.
  - 3. Failure of the drug screen and/or physical shall be basis of denying employment to the applicant.
  - 4. Current employees posting into a position requiring a CDL shall be subject to DOT regulations.
  - 5. Clerical limited term employees returning to the workforce after a one (1) year absence shall be subject to drug screen/physicals.
  - 6. Light industrial limited term employees shall be subject to a drug screen and physical prior to returning to work for the season.

(3) Only management employees shall be included in the hiring process. This includes, but is not limited to, reviewing resumes/applications, interviewing applicants and providing applicant input. **[Amendment 11, Adopted 05/26/2009] [Amendment 79, Adopted 10/31/2017]**

- (i) **Computer Access.** A current Employee accepting a new position outside of his/her department or who transfers from non-represented to union status shall lose all computer access associated with the previous position. Computer access includes, but is not limited to, email accounts, AS400 and internet. **[Amendment 13, Adopted 05/26/2009]**
- (j) **Position Transition.** Effective 09/01/2016, the County Administrator is authorized to approve funding for an exiting employee to train an incoming employee. The County Administrator is authorized to approve temporary funding for an interim employee due to an unforeseen job opening the County Administrator deems critical. Interim pay shall be in the same classification as the open position. The Department head shall submit a written request with justification for funding to the County Administrator and shall receive approval prior to posting or advertising for the upcoming vacant position. **[Amendment 57; Adopted 08/30/2016]**
- (k) **Interim Management Positions.** When a management position becomes vacant, another employee may be appointed to assume the duties of the vacant management position on an interim basis while continuing to perform normal position duties. The County Administrator shall appoint Interim Department Head positions and Department Heads shall appoint interim management positions within their own department. The interim management employee shall be placed in the vacant position's pay grade at the step that provides at least a two percent increase if moving up one pay grade or the step that provides at least a four percent increase if moving up two or more pay grades. The interim management employee shall also receive management benefits/accruals for the duration of the appointment. **[Amendment 80, Adopted 12/19/2017]**

**1.13 Performance Reviews. [Amendment 72; Adopted 06/27/2017]**

- (a) **Policy.**
- (1) It is the policy of Marinette County that a written performance appraisal shall be conducted on every non-represented employee.
  - (2) The purpose of performance appraisals is to assist employees in developing effective ways of achieving work goals, as well as to review the overall performance of the employees in completing the tasks and meeting the responsibilities assigned to the position.
  - (3) Performance appraisal reports shall not be considered in decisions affecting placement, demotions, layoffs, dismissal, training or reclassifications.
  - (4) There shall be two (2) copies of each appraisal:
    - a. One (1) copy to employee.
    - b. Original submitted to Human Resources to be placed in the employee's personnel file.
- (b) **Administration.** Performance reviews shall be conducted for all employees, except the County Administrator, prior to completion of any applicable probationary period. Thereafter, performance reviews shall be conducted annually by July 1<sup>st</sup>.
- (1) Applicable Department Management staff shall conduct performance reviews.
  - (2) The County Administrator shall invite the applicable Committee of Jurisdiction Chairperson to participate in Department Head performance reviews.
  - (3) Performance reviews shall be reported on forms provided by Human Resources.
  - (4) As part of the performance review process, when applicable all position job descriptions shall be updated and changes provided to Human Resources within sixty (60) days of completion of performance review.
  - (5) Prior to the review appointment, the employee shall complete a **'Self Performance Review'** and provide to the reviewer at the time of the performance review.
  - (6) The performance review shall be reviewed and signed by the employee, applicable manager and Department Head prior to being filed in the employee's personnel file with the employee's **'Self Performance Review'**.
  - (7) Performance reviews with attachments shall be submitted to Human Resources within ten business days of probationary period completion.
- (c) **Appeal.** Employees shall have no right to appeal their performance review. If an employee disagrees with review, the employee may submit a statement of explanation or disagreement, which shall be attached to the performance review.

#### **1.14 Citizen Certification.**

All Marinette County employees shall submit acceptable documentation as proof of United States citizenship to Human Resources as required by the United States Department of Justice, Immigration and Naturalization Service. An employee shall complete an **'19 Employment Eligibility Verification Form'** at the new hire meeting.

#### **1.15 Licenses, Certifications and Background Checks.**

- (a) Applicants for a position requiring a certification and/or license must present valid proof of same with employment application. Applicants for a position requiring a certification and/or license within six (6) months of employment must obtain that certification or license within the specified time period or shall be released from employment. All employees who must be certified or licensed shall provide proof of current certification or licensure to the Department Head upon request.
- (b) Persons required to operate a County motor vehicle must possess an appropriate and valid operator's license and agree to ongoing Department of Transportation verification.
- (c) Those positions requiring special certification by an agency of this state must submit proof of such certification to Human Resources.
- (d) Various other certifications may be requested as proof of completed education at an accredited institution or university. The County reserves the right to obtain necessary information regarding academic achievement

transcripts, educational files, health records, or prior employment records of an applicant.

(e) **[Amendment 55; Adopted 08/30/2016]**

- (1) An employee holding a position requiring a commercial driver's license (CDL) who loses his/her CDL for 65 days or less for any reason shall be subject to the following:
  - a. Employee shall be placed on an unpaid leave up to 65 days. During the unpaid leave, the employee accrues/is entitled to no benefits and is responsible to pay the employee and employer share of premiums for medical and dental insurance.
  - b. No more than two (2) employees per department may be on non-CDL unpaid leave. If a third employee loses his/her CDL during a time when two employees are already on a non-CDL unpaid leave, the third employee's employment is terminated.
  - c. Employee shall be returned to his/her former position upon providing proof of possessing a valid CDL to Human Resources. An employee not providing proof of a valid CDL within 65 days shall result in termination of employment.
  - d. Loss of CDL includes loss of required Class and or endorsements.
- (2) Loss of CDL for a period greater than 65 days results in immediate termination.
- (3) Employee is responsible to notify Department Head and Human Resources within 24 hours of offense.

(f) Pursuant to Wis. Stats Section 48.685, Criminal History and Child Abuse Record Search; 50.065, Criminal History and Patient Abuse Record Search; and 146.40, Instructional Programs for Nurse's Aides; Reporting Client Abuse, the Human Resources Department shall obtain criminal background checks in a timely manner for applicable existing employees.

- (1) The documentation shall be retained in the Human Resources Department and after review for accuracy shall be placed in each employee's personnel file.
- (2) An employee convicted of any prohibited offenses must immediately notify the employee's Department Head.

### **1.16 Drug and Alcohol Use.**

- (a) Marinette County shall maintain a drug and alcohol free workplace in compliance with the Drug Free Workplace Act.
- (b) All employees are prohibited from unlawful manufacturing, distributing, dispensing, possessing or using illegal drug/alcohol in the workplace.
- (c) Illegal drugs shall include, but are not limited to:
  - (1) Any drug not legally obtainable.
  - (2) Any drug legally obtainable but which has been illegally obtained, including prescribed drugs.
  - (3) Marijuana and its related compounds and derivatives.
  - (4) Legal drugs not being used/taken in compliance with physician instructions.
- (d) The County shall require drug/alcohol testing for any employee that the County reasonably suspects to be in violation of this policy. Reasonable suspicion observations shall be specific first hand observations made by County trained supervisors and the '**Observed Behavior-Reasonable Cause Record Form**' shall be completed.
- (e) If an employee is convicted of committing a criminal drug offense in this workplace or on work time, the employee must inform the County of such conviction within five (5) days of conviction. Failure to so inform the County subjects the employee to disciplinary action, up to and including termination. When required by law, the County shall notify federal or state authorities within ten (10) days of receiving such notice from an employee or otherwise receiving notice of such conviction.
- (f) An employee who violates the drug-free workplace policy shall be subject to discipline up to and including dismissal.
- (g) The Human Resources department shall establish a drug free awareness program by:
  - (1) Training all new hires during orientation regarding Marinette County's Drug Free Policy. A copy of the orientation attendance log shall be placed in the employee's personnel file as proof of training.
  - (2) Offering written documents, programs and materials concerning the dangers of drug/alcohol abuse.

- (3) Providing information regarding health insurance medical benefits for inpatient and outpatient substance abuse treatment.
- (4) Offering employees the County sponsored assistance of an Employee Assistance program.
- (5) Conducting pre-employment drug testing.
- (h) Commercial Vehicle Operators shall be subject to the Department of Transportation's drug and alcohol procedures, 49CFR Part 40. Current job descriptions shall specify requirements to hold a valid commercial driver's license (CDL). All employees holding a valid CDL shall be subject to the procedures of pre employment, post accident, reasonable suspicion, random and return to duty and follow-up tests to detect the presence of illegal drugs/alcohol and inappropriate legal drugs.

### **1.17 Employee Orientation.**

- (a) **Generally.** The Human Resources Department shall provide orientation to each new employee in the County work force. The Department Head and/or designee shall orient each new employee to the conditions related to his/her job and work site. Such orientation shall include an introduction to fellow workers, work standards, safety regulation, rest periods, supplies and other relevant information.
- (b) **Human Resources Department.** The Department Head notifies a new employee to contact Human Resources to schedule a meeting at least one (1) day prior to employee's start date. Employees must bring two (2) forms of identification to the meeting. The meeting shall include the following:
  - (1) Completion of paperwork as listed on '**New Hire Master Checklist**'.
  - (2) Distribution of various packets as listed on **New Hire Master Checklist**.
  - (3) Issuance of items listed on **New Hire Master Checklist**.
  - (4) A copy of this Manual.

The Human Resources Department shall also schedule a monthly Marinette County orientation meeting for employees hired within the same month. The Human Resources Department shall notify the employee of the date and time of the orientation meeting. This orientation meeting shall include:

- (1) Introduction to the Human Resources Department.
- (2) County Board of Supervisors names and districts.
- (3) Marinette County organizational chart.
- (4) Identification of State and County Elected Officials.
- (5) Brief summary of collective bargaining Unions in Marinette County.
- (6) Explanation of gambling and drug free policies.
- (7) Explanation of employee benefits.
- (8) Identification of immediate Supervisor as first contact for payroll transactions. If immediate Supervisor cannot resolve payroll transaction issue, immediate Supervisor shall contact Finance Department.
- (9) Brief summary of items of general interest.
- (10) Confidentiality training.
- (11) Basic HIPAA training.

### **1.18 Probationary Period [Amendment 31; Adopted 08/28/2012]**

- (a) **Employees New To Marinette County [Amendment 88, Adopted 02/27/2018].** Newly hired employees shall serve a probationary period of twelve (12) months excluding any unpaid leave.
  - (1) An employee may be released from employment, without cause, at any time during the probationary period.
  - (2) The probationary period may be extended up to an additional six (6) months by a Department Head with County Administrator approval. The employee may be released from employment, without cause, during the extended probationary period.
  - (3) Employees accrue vacation benefits during the probationary period but may not use vacation until after completion of four (4) months of employment. Effective 01/01/2019, probationary employees may use

vacation immediately upon hire.

- (4) Probationary employees may use sick leave and personal leave immediately upon hire.
  - (5) Probationary employees shall be entitled to paid holidays, provided the employees meet the eligibility requirements in qualifying for holiday pay.
- (b) **Current Employees.**
- (1) An employee who completes the twelve (12) month probationary period in one (1) position and applies and is awarded another position serves a subsequent probationary period of six (6) months.
  - (2) If an employee applies and is awarded another position during his/her initial 12-month probationary period, the 12-month probationary period starts over. The subsequent 6-month probationary period will not apply until the employee has completed an entire 12-month probationary period in one position.
  - (3) During this subsequent probationary period of six (6) months, Marinette County may terminate the employment relationship at any time.
  - (4) Accrued vacation and sick leave benefits may be used during the second probationary period the same as a non-probationary employee.
  - (5) Personal holidays may be used during the subsequent probationary period the same as the new employee probationary period.
- (c) **Grievance Entitlement.** Employees released during any of the probationary periods described in (a) or (b) above shall not be entitled to the Grievance procedure as outlined in this manual. **Amendment 46; Adopted 10/28/2014**

#### **1.19 Reference and Credit Requests**

- (a) It is the County's policy that all requests for information concerning current and former employees should be handled in a consistent and appropriate manner. Any inquiries, which are received either by telephone or in writing regarding a present or past employee, shall be made or forwarded to the Human Resources Department.
- (b) Generally, in responding to reference requests, the County shall state only that a person is/was employed with the County, the dates of employment, employee's title or position and wage or salary. Human Resources shall release additional information only if present or past employee authorizes the release in writing.

#### **1.20 Accommodation of Religious Beliefs.**

The County shall endeavor to make reasonable accommodations for an employee's time off for the observance of religious beliefs. The employee shall notify Department Head fifteen (15) days in advance, of such a religious observance. Department Head shall approve such request absent a compelling reason to deny. Such accommodation shall be without pay unless the employee opts to use compensatory time, vacation or other personal available paid time.

#### **1.21 Reimbursement for Loss of Personal Items**

- (a) The County shall not normally reimburse employees for any personal objects, possessions or clothing which are lost or damaged either while on duty or off duty unless the employee proves liability rests with the County, or the items are covered by the County's insurance. Personal objects, possessions and clothes are items purchased and maintained by the employee and not purchased or maintained by the County.
- (b) Employee requests for reimbursement shall proceed as follows:
  - (1) The employee shall submit to his/her supervisor a request for reimbursement along with a full description of the loss and the extent to which the County or one (1) of its employees was liable or responsible for the loss sustained.
  - (2) The Department Head shall review the facts, consult the County's insurance contact in the Finance Department and present a report and recommendation on disposition of the claim to the County Administrator.
  - (3) The County Administrator shall review the case and either declares the claim invalid and so advises the

employee, or authorizes reimbursement in part or full. The decision of the County Administrator is final and shall be communicated in writing to the employee.

### **1.22 Use of County Equipment.**

- (a) Department Heads are responsible for all equipment located in their department. No County equipment or property shall be utilized for personal use without authorization from the Department Head.
- (b) If County property is issued to an employee, the Department Head issuing the equipment may obtain a receipt for County owned equipment, signed by the employee. The receipt shall be retained in the department until employment by Marinette County ceases.

### **1.23 Misconduct-Unacceptable Performance.**

The requirements of this section shall apply to all County employees:

- (a) **State Law Violations.**
  - (1) State law prohibits employees from engaging in certain kinds of conduct. If an employee is found to be engaging in prohibited acts described in the Wisconsin Statutes, the situation could be treated as a felony criminal offense and, upon conviction, result in a fine, imprisonment, or both. Some of the types of conduct all employees are prohibited from engaging in include:
    - a. Bribery of employees.
    - b. Special privileges from a public utility.
    - c. Misconduct in public office, including but not limited to intentionally failing or refusing to perform a duty assigned or required by law, intentionally acting in excess of their lawful authority or falsifying a report or public record.
    - d. Purchase of claims at less than full value.
    - e. Negotiating, bidding for or entering into a contract as an employee in which there is a direct or indirect personal interest and/or gain in a dollar amount set forth in the Wis. Stats.
    - f. Giving anything of value to another person for the purpose of procuring the passage or defeat of a measure before the state legislature.
  - (2) While state law contains many other sections which, if violated, may result in legal action being taken against a public official or employee, those prohibited types of conduct listed above are among the most serious forms of misconduct.
- (b) **Violation of County Rules of Conduct.** The continued employment of County employees shall be contingent upon acceptable conduct, satisfactory job performance and compliance with the rules and regulations set forth in this Policies and Procedures Manual. County employees are also expected to observe a set of reasonable rules governing behavior on the job. Failure to display acceptable job performance or the violation of these rules and regulations shall be cause for disciplinary action including reprimands, suspension without pay, or dismissal. The exact form of discipline shall depend on the seriousness of the offense committed. An employee shall be considered to have engaged in misconduct if he/she violates any of the following, such list not to be considered all-inclusive:
  - (1) The employee has falsified County records or assisted in concealing the fact that another employee had falsified County records. This shall include the falsifying of any County record or official document including any record keeping of time worked.
  - (2) The employee has failed to provide his/her supervisor with notification that he/she shall be absent or tardy from work for three (3) consecutive days or on three (3) separate occasions during any one (1) year period.
  - (3) The employee has fraudulently used his/her sick leave benefit in violation of this Manual.
  - (4) The employee has acquired for personal use, a fee, gift, or other valuable things in the course of work or connection with employment with the County.
  - (5) The employee has used County-owned equipment, supplies, uniforms or a vehicle for personal use without supervisor approval.

- (6) The employee has endangered his/her own safety and/or safety of others through carelessness in the performance of his/her job and/or non-compliance to established safety procedures.
- (7) The employee is incompetent, negligent or inefficient in the performance of his/her duties.
- (8) The employee has been abusive in his/her behavior and language or has been abusive in his/her conduct to fellow employees or the public.
- (9) The employee has violated any lawful or official regulations, order or rule, or failed to obey any lawful and reasonable direction given him/her by his/her supervisor.
- (10) The employee has been convicted of a criminal offense that is related to his/her employment responsibilities.
- (11) The employee, through culpable negligence or willful misconduct, has caused damage to public property or waste of public supplies.
- (12) The employee has been absent without leave, or has failed to report upon the expiration of an approved leave of absence.
- (13) The employee is found to have knowingly made a false statement in his/her application for employment or in any of the preliminary employment forms.
- (14) An employee has operated a County vehicle in an unlawful or hazardous manner.
- (15) The employee has misappropriated County funds, appropriated County property for personal use, or illegally disposed of County property.
- (16) The employee has failed to show proof of possession and/or maintenance of a valid license and/or certificate that is required in the performance of his/her assigned position.
- (17) The employee has provided incorrect or fraudulent information pertaining to an on-the-job injury.
- (18) The employee has failed to provide information or has provided incorrect or fraudulent information while filing medical and/or dental information, thereby resulting in the employee receiving greater benefit than he/she would have been eligible for under the County medical and/or dental program.
- (19) The employee has made an unauthorized disclosure of confidential records or information.
- (20) Willful misconduct or insubordination.

(c) **Other Acts Prohibited.**

- (1) No person shall make any false statement, certificate, mark, rating or report, or in any manner commit, or attempt to commit, any fraud preventing the impartial execution of this Manual and policies.
- (2) No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, or any advantage, in a position in the County service.
- (3) No person shall deprive another of any right granted by this Manual or furnish to any person any confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the County service.

(d) **Lobbying Regulated.**

- (1) Unless otherwise expressly provided, as used in this section the term Department Head includes elected officials who serve as Department Heads and the term lobby means to take a position for or against a legislative proposal or a proposed administrative rule. Lobbying, as used herein, does not include the exchange of information where no position for or against the legislative proposal or rule is taken.
- (2) A Department Head, other than an elected Department Head, shall not direct or allow a County employee to appear before state or federal legislative bodies or before state or federal administrative agencies for the purpose of advancing a position, on pending legislation or administrative rules, which has not been approved by the County Board, or in the case of emergency situations, by the committee designated by the County Board to act in such matters unless first discussing the proposed testimony with the chairperson of the County Board.
- (3) In the absence of prior County Board or Committee approval, as appropriate, a Department Head or an employee shall not represent his/her position on pending legislation or administrative rules as an official County position.

- (4) Unless the position being advanced by a Department Head or employee is one which has been approved by the County Board, or by a Committee acting for the board, a Department Head or employee shall first make either a written or oral disclaimer to the legislative body.
  - (5) If the position is presented in writing, the disclaimer shall also be in writing and shall appear boxed on the first (1<sup>st</sup>) page of the document. If a verbal position is taken, the disclaimer must precede the discussion.
  - (6) The disclaimer shall be substantially in the following form: This position is not the official position of the County of Marinette. It is the personal position of the speaker or author, as appropriate.
  - (7) The regulations established herein with respect to appearances before legislative and administrative bodies apply with equal force to personal contacts of any kind with individual members of such bodies when the purpose or one (1) purpose of such contact is to present a position on pending legislation or administrative rules.
- (e) **Cell Phone/Texting Ban [Amendment 67, Adopted 02/28/2017]**
- (1) **Texting ban:** No employee holding a commercial driver's license may manually enter text into or read text from an electronic device while driving a county commercial motor vehicle. This prohibition includes e-mailing, text messaging, using the internet, pressing more than one button to start or end a phone call, or any other form of text retrieval or entry for communication purposes. Texting and hand-held cell phone use are only allowed if there is an immediate need to contact emergency services or if the vehicle being driven has been stopped in a safe off-road location.
  - (2) **Hand-held cell phone ban:** An employee holding a commercial driver's license is prohibited from using a hand-held cell phone while driving a county commercial motor vehicle. This prohibition includes talking on a handheld phone, pressing more than a single button to dial or answer a cell phone, or reaching beyond the normal seated position for a cell phone.
  - (3) **Other Devices:** An employee holding a commercial driver's license is allowed to use a hands-free phone, a CB radio, a navigation system, a two-way radio, a music player, or a fleet management system for purposes other than texting
  - (4) **Driving:** Driving is defined as the exercise of physical control over the speed and direction of a motor vehicle while it is in motion.
  - (5) **Penalties:** An employee violating the cell phone/texting ban is subject to discipline up to and including termination in addition to any penalties under Federal and State law.

**1.24 Discipline. [Amendment 21, Adopted 08/30/2011]**

- (a) **Purpose.** The purpose of discipline is to correct job behavior and performance problems of employees. In each instance, the disciplinary action taken is to be fair, just and in proportion to the seriousness of the violation. No employee who has completed the probationary period shall be disciplined, suspended or discharged without just cause.
- (b) **Scope.**
  - (1) The following disciplinary procedures shall be employed in disciplinary matters of County employees, unless these procedures are superseded by more specific procedures contained in a current employment or collective bargaining agreement or subject to statutory procedures.
  - (2) Whenever an employee violates any of the rules and regulations outlined in this Manual or engages in unacceptable behavior, the County may begin progressive disciplinary action in any of the steps listed below, depending on the seriousness of the offense committed and provided that immediate discharge is not warranted by the seriousness of the violation. Employees shall be informed of County standards and administrative rules of conduct and performance, and shall have access to all disciplinary actions recorded in their personnel files.
  - (3) Nothing in these disciplinary rules and procedures shall be construed to limit the management prerogative of the County and its supervisory employees to take corrective action whenever appropriate.

- (4) Management shall not impose more than two disciplines on the same employee in the same day. **[Amendment 12, Adopted 05/26/2009]**
- (5) An employee who is the subject of a disciplinary and/or grievance procedure will be paid straight time for proceedings that take place during that employee's normally scheduled work hours. Participation outside of normally scheduled work hours will be without compensation.
- (c) **Department Heads.** The County Administrator shall carry out disciplinary action relative to a Department Head. The County Administrator may involve the Department Head's Committee of Jurisdiction Chairperson or designee.
- (d) **Representation for Discipline.** The County shall allow but not offer employees representation at Steps Three and Four. Representation shall be at the employee's expense.
- (e) **Progressive Disciplinary Procedures.** The following progressive disciplinary steps shall be followed for all employees, except deputy sheriffs who are subject to a statutory procedure:
  - (1) **Verbal Warning - Step One.** A verbal warning shall be issued to an employee by the employee's supervisor. A verbal warning is not subject to the grievance procedure.
  - (2) **Written Reprimand - Step Two.** A written warning shall be issued to an employee by the employee's supervisor. The purpose of a written warning/ is to ensure the employee understands the seriousness of the misconduct and that further misconduct could result in suspension or discharge. A written warning is not subject to the grievance procedure.
  - (3) **Suspension – Step Three.** A suspension shall be issued to an employee by the department head. Any action on the part of any employee which in the opinion of the department head merits suspension may be disciplined by suspension without pay. Non-exempt employees shall be suspended in one (1) day increments. Exempt employees shall be suspended in one (1) week increments. The Human Resources Director shall be consulted prior to all suspension discipline meetings. A suspension of three or more days is subject to the grievance procedure.
  - (4) **Dismissal - Step Four.** A Department Head, after consultation with the Human Resources Director, may discharge a non-law enforcement County employee as a result of a serious offense or as the final step in a series of offenses. Prior to dismissal, upon request of the employee, the employee shall be given an opportunity to discuss the issues being considered for his/her dismissal in a meeting with the Department Head and the Human Resources Director. The notice of dismissal shall be in writing and shall state the specific charges with such clarity and particularity that the employee will understand the charges made against him/her. A dismissal is subject to the grievance procedure.
  - (5) At steps one (1) through four (4) of above proceedings, the employee shall acknowledge receipt of discipline by signing the '**Marinette County Employee Consultation Report Form**'. The employee shall have the right to attach his/her written explanation or comments to any applicable step. A copy of the Marinette County employee consultation form with any written explanation or comments from the employee shall be placed in the employee's personnel file.
- (f) **Serious Violations.** Discipline may begin at any step in the procedure depending on the seriousness of the offense committed.
- (g) **Appeal From Disciplinary Action.** Any dispute as to whether an employee was disciplined for just cause shall be subject to the grievance procedure stated in Section 1.25 of this Manual.

**1.25 Grievance. [Amendment 21, Adopted 08/30/2011]**

- (a) **Policy.** It is the policy of Marinette County to treat all employees fairly and equitably. An employee has the right to bring a grievance to the attention of the County without fear of reprisal. Filing a grievance will not reflect unfavorably on an employee or adversely affect an employee's employment status.
- (b) **Definitions.**
  - (1) **Dismissal.** Termination.
  - (2) **Just cause.** A legally sufficient reason for a suspension or termination. A reason is legally sufficient if it is supported by the preponderance of the evidence. The elements of just cause are

Whether the employee could reasonably be expected to know the probable consequences of his/her conduct.

- a. Whether the rule or order that the employee allegedly violated is reasonable.
- b. Whether the employer made a reasonable effort to investigate whether the employee violated the rule or order.
- c. Whether the employer's investigation was fair and objective.
- d. Whether the employer's investigation produced substantial evidence that the employee violated the rule or order.
- e. Whether the employer applied the rule or order fairly and without discrimination.
- f. Whether the discipline reasonably relates to the seriousness of the offense and to the employee's overall record.

- (3) **Subject to the grievance procedure.** A dispute between an employee and the County relating to an employee suspension, dismissal or workplace safety violation.
- (4) **Suspension.** The employee is involuntarily suspended from employment for a period of time without compensation for unsatisfactory performance or misconduct. Suspension does not include any voluntary leave of absence, furlough, layoff, workforce reduction, job transfer or demotion, medical leave or military leave.
- (5) **Termination.** The employee is involuntarily dismissed from employment for unsatisfactory performance or misconduct. Termination does not include a separation from employment because of abandonment of a position; completion of a contract, seasonal or temporary assignment or employment; death; failure to meet required qualifications; furlough; inability to work due to disability; job restructuring; layoff; nondisciplinary demotion; reduction in work force; resignation; retirement; transfer; or voluntary resignation.
- (6) **Workplace safety.** A condition of employment related to the physical health and safety of the employee filing the grievance. It includes, but is not limited to, accident and risk prevention, provision of protective equipment, safety of the physical work environment, safe operation of workplace equipment and tools, safety training, and workplace violence prevention. It does not include conditions of employment related to general working conditions that are unrelated to physical health or safety, such as breaks, compensation, family leave, hours of work, medical leave, overtime, performance reviews, sick leave, vacation leave, vacation scheduling, or work schedules.

(c) **Administration.**

The Human Resources Director shall supervise and administer the grievance process.

(d) **Contents of a Written Grievance.** A grievance shall refer with specificity to any and all alleged County violations, shall adequately set forth the facts pertaining to each alleged violation and shall be signed and dated by the grievant when filed with the Human Resources Director. Allegations set forth in the written grievance shall be the sole violations addressed throughout the grievance procedure.

(e) **Grievance Procedure.** It is anticipated that most grievances or misunderstandings may be resolved informally in a mutually helpful and trusting conference between the employee and his/her supervisor. Failing resolution in this manner, grievances shall be processed according to the following steps:

- (1) **Step One.** Within ten (10) workdays from the date of discipline, the grievance shall be presented in writing to the Department Head. The Department Head shall meet with the grievant within ten (10) workdays of receipt of the grievance to discuss the grievance, and shall provide a written response within five (5) workdays after the meeting. Time frames may be extended upon mutual agreement of the parties. If the grievance is denied, the response shall include the reason for the denial.
- (2) **Step Two.** The grievance shall be considered settled in Step One unless within ten (10) workdays from the date of denial, the grievance is presented in writing to the Human Resources Director. If the Department Head does not respond in Step One within the allotted time, the grievance shall automatically proceed to Step Two. The Human Resources Director shall meet with the grievant and the Department Head within ten (10) workdays of the denial to discuss the grievance, and shall provide a written response to the grievant

within ten (10) workdays after the meeting. Time frames may be extended upon mutual agreement of the parties. If the grievance is denied, the response shall include the reason for the denial.

(3) **Step Three.** The grievance shall be considered settled in Step Two unless the employee requests a hearing with the impartial hearing officer. The request shall be in writing and presented to the Human Resources Department within ten (10) workdays of the Step Two denial subject to (g) **Impartial Hearing** as set forth below. Time frames may be extended upon mutual agreement of the parties.

(4) **Step Four.** The grievance shall be considered settled in Step Three unless the employee appeals the grievance to the Administrative Committee of the County Board within ten (10) workdays of receipt of the written denial of the impartial hearing officer. The Administrative Committee shall act on the grievance within thirty (30) calendar days. Following the meeting, the Committee shall submit its decision in writing to the employee within ten (10) workdays. Time frames may be extended upon mutual agreement of the parties. If the grievance is denied, the response shall include the reason for the denial. The Administrative Committee shall uphold or deny the grievance.

(f) **Department Head Grievance Procedure.**

(1) The Department Head shall request a meeting with the County Administrator to discuss the grievance within ten (10) workdays. The County Administrator shall give his/her response to the employee in writing within ten (10) workdays of this meeting. If the grievance is denied, the response shall include the reason for the denial.

(2) The grievance shall be considered settled unless the employee appeals the grievance following the procedure set forth in 1.25 (e) of this Manual commencing at Step Three.

(g) **Impartial Hearing.**

(1) An employee may request a hearing before an impartial hearing officer by following Step Three of the grievance procedure and submitting fifty (50) percent of the applicable Wisconsin Employment Relations Commission fee payable to Marinette County with the written request. In the event the employee prevails in his/her case, the employee will be reimbursed the fee paid by the employee.

(2) The employee has the right to be represented in the hearing, at the employee's expense, by a person of the employee's choosing. The employee's representative may not be a material witness to the dispute.

(3) The Human Resources Director shall, upon receipt of both a written hearing request and the filing fee, select and appoint a hearing officer within ten (10) workdays. In grievable cases, a hearing officer will be selected from a list of arbitrators/hearing officers maintained by the Wisconsin Employment Relations Commission. In workplace safety cases, the hearing officer shall be a person skilled in loss prevention and risk management selected by the County.

(4) The appointed hearing officer shall be impartial and may not have any prior knowledge of the grievance.

(5) A hearing will be scheduled to be held within thirty (30) calendar days of the appointment of a hearing officer. The hearing officer may reschedule the hearing with the mutual consent of the parties.

(6) Not less than seven (7) calendar days prior to the hearing, the grievant and the county shall exchange lists of the witnesses and exhibits that each intends to introduce at the hearing.

(7) The hearing officer may, with consent of the parties, use his or her best efforts to mediate the grievance.

(8) The county has the burden of proof in a suspension or termination grievance to show just cause for its action. The employee has the burden of proof in a workplace safety grievance. The standard required of the party with the burden of proof in all cases is a preponderance of the evidence. Preponderance of the evidence means the greater weight of the evidence. The hearing officer shall deny and dismiss the grievance so long as the County's action was reasonable and supported by the evidence even if evidence presented at the hearing reveals other reasonable conclusions.

(9) The hearing officer is authorized to administer oaths and affirmations, conduct the proceedings, and take the testimony of witnesses. The hearing officer is not bound by the strict rules of evidence, but shall exclude irrelevant, immaterial or unduly repetitious evidence. Hearsay that is probative, trustworthy, and credible may be received into evidence and given such weight as the hearing officer deems appropriate. However, no factual finding may be made solely on the basis of hearsay evidence. The hearing officer may request oral

arguments.

- (10) The hearing officer shall make a record of the proceedings. The county shall provide the equipment and materials necessary to make a video recording of the hearing.
- (11) The hearing officer has the authority to sustain or deny the grievance. The hearing officer may not change or modify any discipline imposed.
- (12) In a workplace safety case, the hearing officer may recommend a remedy.
- (13) In a suspension or termination case, the hearing officer shall provide a written decision within twenty (20) workdays following the close of the record, unless the hearing officer extends the time frame. The written decision should include a case caption; the parties and appearances; a statement of the issues, findings of fact; any necessary conclusions of law; the final decision and order; and any other information the hearing officer deems appropriate.
- (14) In a workplace safety case, the hearing officer shall provide a written recommendation within twenty (20) workdays following the close of the record, unless the hearing officer extends the time frame.
- (15) Following issuance of the decision or recommendation, the hearing officer shall provide the record to the Human Resources Director for preservation.

(h) **Appeal of Hearing Decision.**

- (1) An employee may appeal the decision of the hearing officer by following Step Four of the grievance procedure.
- (2) The written notice of appeal shall contain a statement explaining the reasons for the appeal and a copy of the grievance, the employer's response to the grievance, and the impartial hearing examiner's decision. The written notice may not include information that was not presented during the impartial hearing.
- (3) The employee may submit written arguments in support of the appeal with the notice of appeal or at any time up to seven (7) calendar days prior to the Administrative Committee meeting at which the appeal will be heard.
- (4) An employee bears the cost of his or her appeal to the Administrative Committee. The employee must provide a copy of the notice of appeal, written grievance, and hearing officer's decision for each member and four copies for the Human Resources Director at the time the notice is filed. The employee must also provide a copy of any transcript, exhibit, and written argument that he/she files for each member and four copies for the Human Resources Director. A minimum of nine copies is required.
- (5) The appeal will be placed on the agenda for the first Administrative Committee meeting that is held at least fourteen (14) calendar days after the Human Resources Director receives a written notice of appeal. The appeal will be noticed for consideration in closed session pursuant to Wis. Stat. § 19.85(1)(b) pertaining to the dismissal, demotion, licensing, or suspension of a public employee. The Human Resources Director will provide a copy of the meeting notice to the employee.
- (6) The employee may, at any time prior to the close of business on the last business day prior to the day on which the appeal will be heard, request that the appeal be heard in open session. The appeal will then be heard in open session.
- (7) The employee and the employee's representative may speak and present oral arguments to the Administrative Committee during the open or closed session when the appeal is heard.
- (8) The Corporation Counsel, either directly or through outside counsel, shall provide any necessary legal services to the Administrative Committee in connection with the appeal.
- (9) The Administrative Committee's discussion and deliberation of the appeal will be conducted in closed session. The employee and the employee's representative will be excluded from the closed session during the Committee's discussion or deliberation.
- (10) The Administrative Committee's consideration of the appeal will be limited to a review of the record and any oral or written arguments to determine whether there was any procedural error or abuse of discretion by the hearing officer. The findings of the Impartial Hearing Officer shall not be overturned unless clearly erroneous. The Administrative Committee may not consider any evidence that was not admitted at the hearing. The Administrative Committee's decision is final and may not be appealed.

- (11) The Administrative Committee shall, by a simple majority of members present and voting, affirm or reverse the hearing officer's decision.
  - (12) The Administrative Committee Chair shall prepare and sign a written determination reflecting the decision of the Administrative Committee. The Administrative Committee Chair may enlist the assistance of the County Clerk or legal counsel provided by or through the Corporation Counsel, or both, in preparing the determination. A copy of the determination will be provided to the employee within fourteen (14) calendar days following the Administrative Committee's decision.
- (i) **Benefit Reinstatement.** In the event an employee suspension or termination grievance is sustained, the employee will receive back pay and benefits will be reinstated.

#### **1.26 Conditions of Employment.**

- (a) **Hours of Work. [Amendment 9, Adopted 01/27/2009] [Amendment 34, Adopted 06/25/2013] [Amendment 101, Adopted 05/28/2019]**
- (1) The normal full-time work schedule of County employees shall be thirty-five (35) to forty (40) hours per week, Monday through Friday. Dependent upon the workload of the department, Management/Salaried employee hours may exceed forty (40) hours per week.
  - (2) Management/salaried employees hired by Marinette County after December 16, 2008 shall work forty (40) hours per week. Non-Management employees moving to Management/salaried status after December 16, 2008 shall work forty (40) hours per week.
  - (3) Non-Management employees moving to a new Non-Management position after 12/31/2011 shall work forty (40) hours per week.
  - (4) Non-Management employees hired by Marinette County after 12/31/2011 for positions that were previously thirty-five (35) hour-per-week positions shall work forty (40) hours per week.
  - (5) Normal business hours for County offices shall be from 8:00 a.m. to 4:30 p.m. Some County Office may have different office hours which shall be approved by the County Administrator. **[Amendment 101, Adopted 05/28/2019]**
  - (6) Work hours for certain Highway and Forestry employees may at the Department Head's discretion with County Administrator approval be changed seasonally to a four (4) day (10) hour work schedule beginning no earlier than the second Sunday of April and end no later than the first Saturday in November. **[Amendment 101, Adopted 05/28/2019]**
  - (7) Work hours may be modified by the Department Head on a limited basis to deal with work demand. The modification of work hours as identified on the job description on more than a limited basis shall be approved by the County Administrator. **[Amendment 101, Adopted 05/28/2019]**
- (b) **Pay Period/Time Sheets.**
- (1) The payroll period is two (2) weeks and begins on Sunday and ends on Saturday.
  - (2) To allow sufficient time for preparation of payroll, authorized time sheets provided by the Finance Department, must be approved by the employee's supervisor and submitted to Finance no later than noon on the Monday following the end of the pay period.
  - (3) Supervisors shall review timesheets for accuracy and ensure that employee requested benefit time is available to the employee.
  - (4) If special distribution of time is required, the supervisor shall verify that all hours are allocated to the correct accounts in the distribution of the timesheet.
  - (5) For specific timesheet completion instructions, see '**Guidelines for Completing Timesheets**'.
- (c) **Timekeeping.** Accurately recording time worked is the responsibility of every employee. Federal and state laws require Marinette County to keep an accurate record of time worked. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.
- (1) **FLSA Non-Exempt Employees.** For each payroll period, non-exempt employees shall accurately record the

time they begin and end work, the beginning and ending time of each meal period, the beginning and ending time of any split shift or the departure from work for personal reasons on forms designated by the Finance Department. Overtime work shall always be approved before it is performed. Arriving early or leaving late for the employee's personal convenience shall not be approved as overtime.

- (2) **FLSA Exempt Employees.** To fulfill the County's need to be accountable to the public, exempt employees shall record daily hours worked, as well as any use of paid time off for each payroll period on forms designated by the Finance Department. Exempt employees are not required to record beginning and ending times.
- (d) **Pay Dates.** Wages are paid on a bi-weekly basis on Friday of every other week. At the discretion of the County, employees shall be paid either by direct deposit or paycheck. To ensure confidentiality and receive payroll deduction information, employees shall complete a '**Direct Deposit Selection Form**'.
- (e) **Lunch Periods/Rest Breaks.** Department Heads shall be responsible to ensure lunch periods and rest breaks are scheduled as to provide adequate staff coverage.
  - (1) **Lunch Periods.** Lunch periods shall normally be in one-half (1/2) hour or one (1) hour time segments during the period of 11:00 a.m. to 2:00 p.m. All Marinette County departments shall schedule staff whenever possible to remain open during the lunch period. Employees may be required to take lunch breaks at the Department Head's discretion. Lunch periods shall not be included in hours worked, except when the job requires the employee to remain on duty, is subject to call, or when the lunch period is less than one-quarter (1/4) hour. Employees may not forego the lunch period to shorten the workday. **[Amendment 101, Adopted 05/28/2019]**
  - (2) **Rest Breaks.** Employees shall be granted two (2) rest breaks daily, one (1) during the morning and one (1) during the afternoon at times designated by the Department Head. Rest breaks shall be of no more than fifteen (15) minutes duration, except employees receiving paid lunch periods shall receive ten (10) minute rest breaks. Rest breaks are not accumulative, may not be used to extend lunch periods or shorten the workday, and if not taken, are forfeited. **[Amendment 101, Adopted 05/28/2019]**
- (f) **Dress.**
  - (1) Employees shall dress appropriately in accordance with department requirements and health and safety standards.
  - (2) In the event of any question regarding the appropriateness of any particular style of clothing, the County Administrator, Human Resources Director and Department Head shall make the final determination of appropriate clothing.
  - (3) Employees are not allowed to wear shorts at work or while on work duty for any reason unless the employee's Department Head receives a written exemption from the County Administrator or Human Resources Director. Exemptions shall be based on safety concerns.
- (g) **Uniforms.** Marinette County shall provide employees required to wear official County uniforms an annual clothing allowance not to exceed the amount of three hundred dollars fifty (\$350) from the departmental budget upon approval of the Department Head. Employees receiving uniforms through department direct purchase are not eligible for reimbursement. The annual clothing allowance shall not exceed a combination of direct purchase expenditure and reimbursement. County employees shall not wear uniforms while off-duty except as authorized in writing by the Department Head. **[Amendment 28; Adopted 03/27/2012] [Amendment 63; Adopted 01/31/2017] [Amendment 94; Adopted 12.18.18]**
- (h) **Safety Equipment.** Departments shall provide necessary safety equipment, including but not limited to non-prescription safety glasses, hard hat, chain saw protective equipment, personal flotation device, and hearing protection by direct purchase or employee reimbursement at Department Head discretion. Marinette County shall provide employees required to wear safety shoes and/or boots an annual reimbursement allowance not to exceed one hundred twenty five (\$125) dollars and prescription safety glasses an annual reimbursement allowance not to exceed one hundred (\$100) dollars. **[Amendment 94; Adopted 12.18.18]**
- (i) **Identification Badge.**
  - (1) County Employees, except Highway, are required to wear a photo identification badge.

- (2) Badges are to be worn in a highly visible manner to identify individuals as Marinette County employees.
- (3) The Sheriff's department shall distribute an identification badge to all employees located at the Law Enforcement Center. Human Resources shall distribute an identification badge to all other applicable employees.
- (j) **Employee Access Keycard/Fob.**
  - (1) The Law Enforcement Center, Courthouse and Human Services buildings are limited access buildings.
  - (2) The Facilities Director shall administer access for the courthouse, Human Services, Library and warehouse. Access shall be controlled using devices such as keycards, fobs, or metal keys. The Sheriff's designated representative administers the Law Enforcement Center access. See '**Facility Access Policy**' for specific procedures.
  - (3) The Facilities Director shall issue appropriate access devices after receiving a completed '**Facility Access Request Form**' from the employee's department head. The Sheriff's designated representative and the Facilities Director shall coordinate programming devices for employees that require access to both areas.
  - (4) One (1) keycard/fob and/or metal keys are issued to employees at department new hire meeting. See '**Facility Access Policy**' for fees relating to additional or lost devices.
- (k) **Gambling.**
  - (1) Marinette County prohibits employees from engaging in activities that may be considered or appear to be gambling on County premises or while on duty.
  - (2) These types of activities include, but are not limited to, card playing for money and pool/betting whereby money is exchanged for a chance to win or lose money or anything of value. Charity and/or fund raising licensed raffles are not considered gambling.
  - (3) Employees are prohibited from expending County resources toward any activity that is or may be considered gambling. County resources include employee work time as well as County equipment. Also precluded is any exchange of emails for pools operated outside the County.
  - (4) An employee who engages in activity that could be construed as gambling while working shall be subject to appropriate disciplinary action as determined by the County Administrator and Human Resources Director.
- (l) **Fines Incurred by Employees.** Any fines incurred by employees while performing official County business are the sole responsibility of the employee and may result in disciplinary action, except under situations where the fine was a direct result of an employee following the directions of the immediate supervisor.
- (m) **In Service Training.**
  - (1) Employees may be required by the Human Resources Director or Department Head to attend in-service training sessions specific to the employee's position or to County employment as part of the staff development program.
  - (2) All hours of attendance at such sessions shall be considered working hours, subject to straight-time pay. Department Head is responsible to insure funding is within budgetary limitations to pay any fees or expenses for such training sessions.
- (n) **Jury Duty.**
  - (1) Employees required to serve on jury duty shall be entitled to the employee's regular pay.
  - (2) Upon receipt of juror's per diem fee, the employee shall immediately submit the check to the County Treasurer. Employees are allowed to retain mileage amount if his/her normal worksite is somewhere other than Marinette. Those employees normally working in Marinette shall inform the Clerk of Courts that they are not requesting mileage at time of Jury Duty. **[Amendment 2, Adopted 04/17/2007]**
  - (3) No pay shall be allowed when such service falls on an employee's day off and the employee retains both the per diem and mileage fees.
  - (4) If an employee is on vacation or compensatory time off when service is required, the employee is allowed to retain both the per diem and mileage fees.
- (o) **Court Duty.**
  - (1) Employees subpoenaed to appear on a matter relating to employment with Marinette County shall be entitled to the employee's regular pay.

- (2) Upon receipt of witness per diem fee, the employee shall immediately submit the check to the County Treasurer. Employees are allowed to retain mileage.
  - (3) No pay shall be allowed when such day falls on an employee's day off and the employee retains both the witness and mileage fees.
  - (4) Employees subpoenaed on matters not related to employment with Marinette County shall use vacation or compensatory time off, at the employee's discretion, and shall retain both the witness and mileage fees.
- (p) **Cellular Phones. [Amendment 8; Adopted 09/30/2008] [Amendment 37; Adopted 02/25/2014] [Amendment 74; Adopted 06/27/2017]** If an employee's position requires the use of a cellular phone to perform his/her official duties, the employee may elect to use a county cellular phone or the employee has an option to use her/his personal cellular phone and receive a monthly stipend for use of the personal phone. The employee's Department Head shall notify the Finance Department in writing of all Department personnel authorized to use a personal cellular phone or a county phone with the ability to make equipment changes under the County cellular phone provider contract. Authorized personnel may communicate directly with the cellular phone provider representatives related to equipment changes.
- (1) County Issued Cellular phone. A Department Head must submit a written request to the County Administrator for the purchase of additional cellular phone lines/numbers or additional cellular phone equipment. The County Administrator must approve the request prior to purchase and distribution to the employee. The Department Head shall provide a copy of the approval to the Finance Department and the Finance Department will coordinate all line changes with the cellular phone provider. The Department Head shall also notify the Finance Department of a desire to discontinue a line and the Finance Department will coordinate the same with the cellular phone provider.
    - a. Personal use of a County issued cellular phone shall comply with the County's Policies and Procedures Personal Use of Telephones and/or Cellular phones.
    - b. Employees shall use telephone etiquette when answering cellular phone calls in County buildings. Employee cellular phones shall be turned off or switched to vibrate while attending County meetings. If the cellular phone is on vibrate and the employee determines the call is vital, the employee must leave the meeting room to answer the call.
    - c. The Finance Department may conduct audits to ensure additional costs for personal use of the County cellular phone are not occurring. **[Amendment 17, Adopted 12/21/2010]**
  - (2) Employee Personal Cellular phones. Effective January 1, 2018, an employee opting to use her/his personal phone for County business will not be issued a County cellular phone.
    - a. An employee electing to use a personal cellular phone for County business in place of a County issued cellular phone shall upon approval of the County Administrator receive a monthly non-taxable stipend. The Department Head shall obtain written authorization from the County Administrator for an employee to enter into a stipend agreement with the County.
    - b. Upon execution of a Cellular phone Stipend Agreement with the County, and submission each month of a copy of payment of the employee's provider monthly bill, an employee will receive a monthly stipend.
    - c. The amount of the stipend shall be established annually by the Marinette County Board of Supervisors.
    - d. An employee receiving reimbursement for County business use of a personal cellular phone may under certain circumstances be required to provide the phone to the County for analysis of County business.
- (q) **Personal Use of County Telephones. [Amendment 74; Adopted 06/27/2017]**
- (1) An employee may use County telephones to place or receive necessary personal telephone calls or text messages provided additional toll, texting, or data charges are not incurred by the County.
  - (2) All toll, texting or data charges incurred by the County as a result of personal use of a County telephone shall be reimbursed to the County Treasurer immediately upon receipt of the department's billing statement.
  - (3) Personal use of telephones, including personal calls and/or text messages received or placed by an

employee, shall be kept at a minimum and restricted to rest periods and lunch periods whenever possible.

(r) **Resignation/Termination Pay and Benefits.**

- (1) An employee voluntarily terminating employment, who has completed the probationary period, shall provide a minimum ten (10) working day written notice to the Department Head, stating the last date of employment and shall work a minimum of ten (10) scheduled work days. Failure to give the required notice and physically work the required hours shall result in forfeiture of accrued vacation, unless such shorter notice is approved by the Department Head and the County Administrator. Termination pay for employees in good standing shall consist of payment for any unused accrued vacation. Termination pay is payable on the next scheduled payday. **[Amendment 91; Adopted 05/29/2018]**
- (2) Employees may not use any accrued vacation and/or compensation time to extend a termination date unless termination cause is retirement. There shall be no cash pay out of unused sick leave. **[Amendment 94; Adopted 12.18.18]**
- (3) Upon employee resignation or dismissal, the County shall pay the County's share of the employee's insurance premiums for the month in which termination of employment occurs. The employee's share of the premium shall be deducted from the employee's final wages. After month of termination, employees may continue to participate in the group insurance program according to COBRA. The County contracts with a third party administrator to administer COBRA.
- (4) Employees electing to retire must do so in accordance with the provisions of the Wisconsin Retirement System. Employees may use accrued vacation and/or compensation time to extend a retirement termination date. Refer to section 1.29 (b) (22) for policy related to payout of unused sick leave. **[Amendment 94; Adopted 12.18.18]**

(s) **Exit Interview and Return of County Property.**

- (1) It is the responsibility of the Department Head of the employee vacating the position to conduct an exit interview. See '**Exit Interview Form**' for procedure.
- (2) It is the employee's option to request Human Resources perform the exit interview or to request a Human Resources staff member to be present during the exit interview.
- (3) Employees leaving County service must return all County property at the exit interview or reimburse the County Treasurer for the cost of the property, which is not returned. See '**Exit Checklist**' for County property items.

(t) **Inclement Weather.**

- (1) The buildings and operations under the control of Marinette County shall remain open and functional during the usual and customary workday hours regardless of weather conditions.
- (2) In the event an employee makes a good faith determination that his/her safety would be jeopardized by attempting to travel to work in severe weather, said employee shall have the option of not attending work and using one (1) of the following alternatives:
  - a. Taking the time off as vacation if said employee has unused vacation time available.
  - b. Taking the time off as compensatory time provided said employee has earned sufficient compensatory time prior to the absence.
  - c. Taking the time off as an unpaid leave of absence, which shall not result in any penalty to the employee.
  - d. With approval of the supervisor, employees may choose to schedule make up hours within current pay period or pay period immediately following the time off.
  - e. Employees may not use sick leave under inclement weather circumstances, unless the employee is sick.
- (3) In the event an employee has come to work and during the day, severe weather develops, the employee shall have the option of leaving work early under the provisions of Subsection (2).

(u) **Employee Parking.**

- (1) Employees are expected to park in the public parking lots located near the County buildings or in available spaces on the street, which are not designated for specific purpose.

- (2) The parking lot located by the Veterans Memorial and adjacent to the Courthouse annex shall remain open for persons visiting the courthouse for business reasons.
- (3) Courthouse employees are not allowed to park in the Courthouse Annex parking lot during courthouse regular working hours for any reason. Non-compliance may result in employee disciplinary action.
- (v) **Ethics Code/Political Activity.** County employees shall comply with Ordinance Chapter 2, Section 2.02 regarding ethics and Chapter 4 Section 4.07 regarding political activities.

**1.27 Excused Absences. [Amendment 89, Adopted 02/27/2018]**

(a) **Vacations. [Amendment 25, Adopted 12/20/2011] [Amendment 40, Adopted 03/25/2014] [Amendment 58, Adopted 10/25/2016] [Amendment 73; Adopted 06/27/2017]**

- (1) Vacation eligibility shall be determined based upon the length of continuous service of each employee as of the employee's most recent hiring date as adjusted for unpaid leaves in excess of fourteen (14) days. Employees shall earn vacation on an accrual basis. As has been a long standing practice, the County will advance employees one hundred percent (100%) of vacation eligibility in January 2017 and in January 2018 and will not advance vacation in future years. Effective 01/01/2019, at no time may an employee vacation bank exceed one hundred fifty percent (150%) of the vacation eligibility. **[Amendment 64, Adopted 02/28/2017] [Amendment 76, Adopted 09/19/2017]**
- (2) All County employees shall follow the below scale with the exception of WPPA employees. Employees reaching 19 years prior to 01/01/2023 shall receive six weeks. An employee working 2080 hours or more per year shall accrue vacation based on eight (8) hours per day. An employee working less than 2080 hours per year shall accrue prorated vacation based on hours worked.
  - (2) Two Weeks                      0 through 5<sup>th</sup> Year
  - (3) Three Weeks                    6<sup>th</sup> through 10<sup>th</sup> Year
  - (4) Four Weeks                    11<sup>th</sup> through 13<sup>th</sup> Year
  - (5) Five Weeks                     14<sup>th</sup> Year and Over
- (3) Employees shall accrue vacation based on the above vacation schedule upon hire and beginning January 1<sup>st</sup> of the employee's anniversary year in which the employee is eligible to move to the next level of vacation.
- (4) Vacation may not be used during an employee's first four (4) months of the twelve (12) month probationary period, although accumulation starts with the first (1st) day of employment. Effective 01/01/2019, new employees may use vacation immediately upon hire.
- (5) Vacation pay shall be computed on the pay rate in effect on the employee's day of vacation leave, excluding overtime.
- (6) Effective April 26, 2005, the Psychiatrist employee shall be entitled to the normal vacation schedule plus one (1) additional week of vacation for each remaining vacation level until this employee reaches the maximum of six (6) weeks of vacation. This employee also receives one (1) additional week of vacation in lieu of compensatory time. If this employee vacates the position of Psychiatrist for any reason prior to reaching the six (6) week level, this benefit shall terminate for the Psychiatrist position.
- (7) An employee using scheduled vacation hours may not transfer vacation hours to sick leave hours.
- (8) Recognizing the need to perform departmental duties, Department Heads may schedule vacations at the Department Head's discretion. Vacation requests for all other employees require the approval of the employee's supervisor. Department Heads and/or supervisors shall consider workload of the department when approving vacation time.
- (9) Weeks of vacation shall be converted to days of vacation which shall be converted to hours based on the work schedule of each employee. When a position's/employee's weekly hours change, the number of days the employee has banked shall remain the same. His/her banked hours shall be adjusted to reflect the same

number of days as before the change. **[Amendment 44; Adopted 10/28/2014]** **[Amendment 54; Adopted 03/29/2016]**

- (10) In addition to earned vacation, exempt employees receive one (1) additional week of vacation in lieu of compensatory time. Effective 01/01/2018, only 40-Hour management exempt employees shall receive an additional week of vacation in lieu of compensatory time.
  - (11) Employees completing the probationary period, who subsequently leave the employ of the County in good standing, shall receive payment for accrued unused vacation time as of the date of separation. Any unused vacation carried over from the previous year shall be paid out with the pro-rated vacation. **[Amendment 51, Adopted 04/21/2015]**
  - (12) An employee leaving the work force, for any reason, who has used vacation in excess of the amount accrued the final year of service, shall be responsible to reimburse the County for overused vacation. If possible, the reimbursement shall be deducted from the employee's final wages. **[Amendment 51, Adopted 04/21/2015]**
  - (13) In the event of death of an active, current employee, surviving spouse or dependent shall receive payment for accrued unused vacation time as of the date of death. Any unused vacation carried over from the previous year shall be paid out with the pro-rated vacation.
  - (14) An employee on a leave of absence certified by a medical provider and verified by Human Resources may receive donated vacation time. Employees may gift any portion of earned vacation time by completing a 'Gifted Vacation Time Authorization Form'. The completed form shall be submitted to Human Resources. The recipient employee continues to accrue benefits while using donated time. The recipient employee shall not use donated time until the recipient employee's sick leave, vacation, personal leave and compensation time all have been exhausted. If an employee receiving donated time returns to work prior to benefit bank exhaustion, the donated vacation time shall be returned to the donating employee. **[Amendment 76, Adopted 09/19/2017]**
- (aa) **Declaration of Emergency [Amendment 106; Adopted 4/21/2020]**
- (1) Upon a Declaration of Emergency the County Administrator may at his/her discretion terminate, suspend or may utilize this section for up to 30 calendar days after the declaration of emergency has ended. The policies and procedures identified in this section shall be in addition to all other policies and procedures. However in the event the policies and procedures in this Declaration of Emergency section are in conflict with other policies or procedures, the policies and procedures under (AA) Declaration of Emergency shall control.
  - (2) Employees may use sick leave during a declaration of emergency for child/family care and quarantine of self, in addition to, other uses identified in section 1.27 (d).
  - (3) Employees may telework or modify work schedule upon approval of the department head in accordance with the Telecommuting Policy. County Administrator may at his/her discretion rescind or modify any department head approved telework arrangement or work schedule deviation.
  - (4) Employees may take unpaid leave on an intermittent or fulltime basis upon depletion of all paid leave banks with approval of the department head. Department head shall direct and confirm with Human Resources employee has notified Human Resources employee is taking a voluntary lay off.
  - (5) Employees on unpaid leave during a declared emergency may receive donated vacation or sick time. Employees may gift to one or any number of employees any portion of earned vacation or sick time by completing a '[Gifted Time Authorization Form](#)'. The completed form shall be submitted to Human Resources. The recipient employee continues to accrue benefits while using donated time. The recipient employee shall not use or be eligible for donated time until the recipient employee's sick leave, vacation, personal leave and compensation time all have been exhausted. If an employee receiving donated time during a declaration of emergency returns to work prior to benefit bank exhaustion, the donated vacation time shall be returned to the donating employees on a pro rata basis .
  - (6) Employees who believe they may need donated time shall contact Human Resources and may remain an anonymous recipient of donated time or may request to have their name added to the in need of donated time list. Upon a signed employee authorization to release information, the employee's name may be released to prospective donors of time.
  - (7) Employees shall not be entitled to pay for holidays in a pay period if intermittent or fulltime unpaid leave of absence is utilized.

- (8) Taking time off as an unpaid leave of absence shall not result in any penalty to the employee.
- (b) **General Holidays. [Amendment 25, Adopted 12/20/2011] [Amendment 100, Adopted 05/28/2019]**
- (1) Employees must be in a paid status the scheduled workday before a holiday and the scheduled workday after a holiday to be eligible to receive holiday pay. In paid status includes, compensatory time, vacation, sick leave, personal leave and worker's compensation pay.
- (2) Marinette County shall observe the following as holidays:
- a. New Years Day
  - b. Friday afternoon before Easter Sunday
  - c. Memorial Day
  - d. Independence Day
  - e. Labor Day
  - f. Thanksgiving Day
  - g. Friday following Thanksgiving Day
    1. Library employees shall receive one floating holiday in lieu of the Friday following Thanksgiving Day.
  - h. Christmas Eve Day
  - i. Christmas Day
  - j. New Years Eve afternoon **[Amendment 100, Adopted 05/28/2019]**
- (3) If a designated holiday falls on a Sunday, the following Monday shall be deemed the holiday. When the holiday falls on a Saturday, the Friday immediately preceding the Saturday shall be deemed the holiday. In special circumstances, Human Resources may designate alternate days. If a holiday falls during an employee's vacation, the employee shall be paid for the holiday and the employee's vacation bank shall not be debited for that day.
- (4) If designated holiday falls on a non-scheduled workday the employee shall observe the holiday, at the department heads discretion, on either the preceding scheduled workday or the following scheduled workday provided the in lieu of holiday remains in the same workweek as the observed holiday. **[Amendment 100, Adopted 05/28/2019]**
- (5) Employees shall not be entitled to pay for holidays that occur during an unpaid leave of absence.
- (6) In lieu of the holidays listed in 1.27(b)(2), all sheriff department management employees shall receive nine (9) days of leave, to be designated and used as personal leave. Holiday hours shall be converted to personal leave at eight (8) hours per day. **[Amendment 53, Adopted 07/28/2015] [Amendment 100, Adopted 05/28/2019]**
- (7) In lieu of the holidays listed in 1.27(b)(2), all Dispatchers and Corrections Officers shall receive nine (9) days of leave, to be designated and used as personal leave. Holiday hours shall be converted to personal leave at eight (8) hours per day for 8-hour employees and twelve (12) hours per day for 12-hour employees. **[Amendment 53, Adopted 07/28/2015] [Amendment 100, Adopted 05/28/2019]**
- (8) In lieu of the holidays listed in 1.27(b)(2), Health & Human Services After Hours Crisis Worker employees, Health & Human Services Care Worker employees and Health & Human Services Mental Health Technician employees shall receive nine (9) days of leave, to be designated and used as personal leave. Holiday hours shall be converted to personal leave at eight (8) hours per day and prorated for part time employees. **[Amendment 61, Adopted 01/31/2017] [Amendment 66, Adopted 02/28/2017] [Amendment 100, Adopted 05/28/2019]**
- (9) Unless specifically addressed elsewhere in these policies and procedures employees shall receive eight (8) hours of holiday pay for all holidays listed in 1.27(b)(2). **[Amendment 107, Adopted 06/30/2020]**
- (c) **Personal Leave. [Amendment 25, Adopted 12/20/2011]**
- (1) An employee working 2080 hours or more per year shall receive personal leave at eight (8) hours per day. An employee working less than 2080 hours per year shall receive prorated personal leave based on hours worked. Employees who have already received twelve (12) hours of personal leave per day in 2018 shall retain this amount through 2018.
- (2) Existing employees shall receive three (3) days of personal leave the first full payroll period of each calendar year. A Department Head may grant use of personal leave prior to the first full payroll period in approved circumstances.

- (3) New employees shall receive personal leave during their first calendar year as follows:
  - (a) Employees starting employment from January 1<sup>st</sup> through April 30<sup>th</sup> shall receive three (3) days of personal leave during their first calendar year.
  - (b) Employees starting employment from May 1<sup>st</sup> through August 31<sup>st</sup> shall receive two (2) days of personal leave during their first calendar year.
  - (c) Employees starting employment from September 1<sup>st</sup> through November 30<sup>th</sup> shall receive one (1) day of personal leave during their first calendar year.
  - (d) Employees starting employment from December 1<sup>st</sup> through December 31<sup>st</sup> shall not receive personal leave during their first calendar year.
- (4) Personal leave shall be taken on days chosen by the employee and approved by the Department Head.
- (5) Personal leave must be used during the calendar year or be forfeited.
- (6) Personal leave shall be computed on the base pay in effect the day the employee uses a personal day, excluding any overtime or premium pay.
- (7) Employees shall only be paid holidays and personal leave as set forth in 1.27 (b) and (c).
- (8) Library category employees working in less than 600 hours per year positions shall receive 15 personal leave hours per year. These employees shall receive no other benefits. **[Amendment 31; Adopted 08/28/2012]**
- (9) Employees participating in the annual Health Risk Assessments shall be entitled to an additional day of personal leave as identified in sub (1) above the following calendar year. The company administering the assessments will provide the names of participating employees to Administration. Administration will provide participant names to Payroll. **[Amendment 69; Adopted 05/30/2017]**
- (10) Employees utilizing Smart Choice MRI Services shall be entitled to an additional four (4) hours of personal leave. The employee shall obtain a GHT Incentive Form from Smart Choice MRI Services and provide to Human Resources. Human Resources will notify Payroll to add the additional hours to the employee's personal leave bank the first (1<sup>st</sup>) day of the following month. **[Amendment 68; Adopted 05/30/2017]**
- (11) Employees who decline Marinette County Health insurance for either the balance of the calendar year in which the employee is hired or for any full calendar year of employment and provide documentation acceptable to Human Resources verifying the employee has obtained an annual physical or health risk assessment during the current year shall be entitled to an additional day of personal leave as identified in sub (1) above the following calendar year. Documentation shall be provided to Human Resources within ninety (90) days of the annual physical or health risk assessment to receive the additional pay. **[Amendment 78; Adopted 09/19/2017]**
- (d) **Sick Leave. [Amendment 25, Adopted 12/20/2011] [Amendment 48; Adopted 11/12/2014] [Amendment 73; Adopted 06/27/2017]**
  - (1) Employees shall accrue nine (9) days of sick leave per year.
  - (2) Effective 01/01/2019, an employee working 2080 hours or more per year shall accrue sick leave based on eight (8) hours per day. An employee working less than 2080 hours per year shall accrue prorated sick leave based on hours worked.
  - (3) The sick leave cap for all employees is eight hundred (800) hours.
  - (4) Sick leave may be used for personal illness, medical or dental appointments, bodily injury or attendance to the illness, medical or dental appointment or bodily injury of the immediate family. Immediate family shall include spouse, children, parents, siblings, father-in-law, mother-in-law, grandchildren, grandparents, stepchildren, stepparents, stepsiblings, son-in-law, daughter-in-law, brother-in-law, sister-in-law and significant other.
  - (5) Employees shall adhere to the following to receive sick leave with pay:
    - a. Notify the Department Head or designee of the reason for absence from work within one-half (1/2) hour of the start of a normal workday, except in the case of emergency.
    - b. If the employee intends to use sick leave for more than one (1) day, the employee shall keep his/her supervisor informed of duration.
    - c. If employee claims or intends to claim sick leave for a period exceeding five (5) work days, employee shall contact Human Resources to discuss a leave of absence through Family Medical Leave Act (FMLA).
    - d. The employee shall use sick leave for legitimate reasons as set forth in paragraph (4) above and not

engage in misuse or abuse.

- (6) Paid sick leave shall be computed on the base pay in effect the day of the employee's sick leave, excluding any overtime or premium pay.
  - (7) When an employee's sick leave balance is insufficient to cover the absence of an employee, additional sick days may be charged to accumulated vacation or compensatory time.
  - (8) While an employee is on paid sick leave, sick leave and vacation shall continue to accrue.
  - (9) Willful misuse of sick leave or the willful making of false reports regarding illness shall subject the employee to disciplinary action and shall be considered just cause for suspension or discharge.
  - (10) An employee receiving Worker's Compensation benefits which are less than the employee's salary may, at employee's option, use a portion or percentage of paid sick leave to supplement benefits up to the level of the employee's salary. Sick leave used to supplement Worker's Compensation benefits shall be charged against the employee's sick leave accumulation until the accumulation has been exhausted.
  - (11) After five (5) days of consecutive sick leave for the same qualifying condition, employees shall be forced to apply for Family Medical Leave.
- (e) **Leave of Absence Without Pay. Excludes Family Medical Leave.**
- (1) A leave of absence shall not be granted for the purpose of seeking other employment or for work at some other paid employment.
  - (2) Employees shall be granted an unpaid leave of absence under the following conditions:
    - a. If eligible for Family Medical Leave Act (FMLA), the employee must apply for FMLA and shall be granted such time under state and/or federal law regulations.
    - b. If an employee is not eligible for Family Medical Leave Act or has exhausted FMLA, the employee's Department Head may approve an unpaid leave of absence of up to fourteen (14) calendar days if all accrued time available to employee is exhausted.
    - c. If an employee requires an additional unpaid leave of absence after the approved fourteen (14) days and the employee remains ineligible for Family Medical Leave Act or has exhausted FMLA, the request for additional time shall be submitted to Human Resources to seek approval from the Administrative Committee.
    - d. The Administrative Committee has the authority to approve an additional leave of absence of up to six (6) months in a twelve (12) month period. The length of time of the unpaid leave shall be contingent upon the reason for the request.
    - e. If the Department Head approves the requested leave, the Department Head shall file the employee request with Human Resources indicating the beginning and ending dates of such leave.
    - f. Employees holding positions of less than 600 hours in the calendar year shall be exempt from the Department Head and administrative Unpaid Leave of Absence process except for unpaid leaves of sixty (60) consecutive calendar days or more. **[Amendment 95; Adopted 12.18.18]**
  - (3) No benefits, including but not limited to sick leave, vacation and holiday pay accrue during unpaid leave.
  - (4) Non-represented employees shall be eligible for three (3) days of unpaid leave of absence during the probationary period.
  - (5) The County shall pay the County's share of the employee's selected health and dental insurance premiums for the month in which an approved unpaid leave occurs and the following month. The employee shall remit the employee's share of the employee's selected insurance premium to the County Treasurer or Finance Department. When the County's share of paid insurance coverage expires, employees may continue to participate in the group insurance plan, until expiration of approved leave, if the employee submits the full cost of the premium to the County Treasurer or Finance Department. Premiums are due the first (1<sup>st</sup>) day of each month. Insurance shall be canceled if the employee fails to remit payment upon notice of delinquency.
  - (6) The employee to whom written leave of absence has been granted shall be entitled, at the expiration of the time stated in such leave, to be reinstated to the position in which he/she was employed at the time the leave was granted.
  - (7) An employee may return to work from an unpaid leave at an earlier date than scheduled if approved by the Department Head. An employee failing to return to work upon expiration of unpaid leave shall be considered to have resigned, not in good standing.
  - (8) An employee who gives false information to obtain a leave shall be subject to disciplinary action.

(f) **Family Medical Leave Act Policy.**

- (1) **General Provisions.** It is the policy of Marinette County to grant up to twelve (12) weeks of family medical leave during a calendar year to eligible employees, in accordance with the Family Medical Leave Act. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in Marinette County's policy. State FMLA and County leaves of absence run concurrently with the Federal Leave. State FMLA shall be exhausted prior to Federal FMLA. An employee may be allowed to work at home during FMLA if the County Administrator and Department Head determine that allowing the employee to work at home is a benefit to the County.
- (2) **Duration.** An eligible employee may take up to twelve (12) weeks of leave under FMLA during a twelve (12) month period. Marinette County measures the twelve (12) month period on a calendar year basis, beginning January 1 of each year.

If a husband and wife both work for Marinette County and each wishes to take leave for the birth of a child, adoption or placement of a child for foster care, both the husband and wife are individually eligible for twelve (12) weeks of federal family medical leave.

- (3) **Procedure for Requesting Leave.** Human Resources shall administer FMLA for all County employees. See '**Marinette County Family and Medical Leave Act Information Sheet**' for rules and regulations regarding FMLA. See '**Family and Medical Leave Employee Request Form**' to apply for Family Medical Leave.
- (4) **Return to Work.** An employee, who is not a key employee, who takes a leave under FMLA, shall be returned to the same or a substantially similar position with the same benefits and terms of employment. A substantially similar position is defined as a job with similar job duties, job classification, work hours and salary that the employee held at the time the leave began. An employee, however, has no greater right to reinstatement or to other conditions of employment than if the employee has been continuously employed during the FMLA leave period.

Key employees do not enjoy the same legal protection as non-represented employees. Key employee is defined as a salaried FMLA eligible employee who is among the highest paid ten (10) percent of all the employees employed by the employer.

If designated a key employee, Human Resources will explain applicable federal and state regulations if FMLA is approved.

If the employee is not released to return to work upon completion of the twelve (12) week period, the employee may request a personal leave in accordance with Section 1.27 (e).

(g) **Bereavement Leave.**

- (1) Permanent full-time, employees shall be entitled up to three (3) consecutive days of bereavement leave in the event of the death of an employee's spouse, children, parents, siblings, father-in-law, mother-in-law, grandchildren, grandparents, stepchildren, stepparents, stepsiblings, son-in-law, daughter-in-law, brother-in-law, sister-in-law and significant other. Non-consecutive days off may be allowed upon the approval of the Department Head.
- (2) Bereavement leave is separate from any other benefit accruals and if additional leave time is required beyond that specified in this section, such additional leave may be taken and deducted from the employee's vacation, compensatory time or personal holiday.
- (3) Paid bereavement leave shall be computed on the base pay in effect the day of the employee's bereavement leave, excluding any overtime or premium pay.

(h) **Military Leave. [Amendment 4, Adopted 04/17/2007]**

- (1) Leaves of absence without pay shall be automatically granted to all employees who may be called or volunteer for military service.
- (2) In the event an employee is called to active duty, the County shall compensate the employee the difference between military pay and current straight-time wage or salary. In order to receive the difference in pay, the employee must provide adequate pay stub records from the military service.
- (3) No employee serving in the military shall suffer any loss of seniority for time lost due to attendance at any

military training period or service.

- (4) Employees who are called or volunteer for active military service shall be entitled to all the protections under the Uniformed Services Employment & Reemployment Rights Act (USERRA).
  - (5) Employee electing to remain on the health and dental insurance shall be entitled to continuation under USERRA. Insurance continuation provisions are provided with the County's 'Medical, Dental & Prescription Drug' plan document under the *Uniformed Services Employment & Reemployment Rights Act (USERRA)* section.
- (i) **Leave of Absence for Organ/Bone Marrow Donation. [Amendment 24; Adopted 12/20/2011]**
- (1) To be eligible for paid leave, an employee who is an organ/bone marrow donor must request the leave of absence through and follow the FMLA process. The recipient need not be a family member.
  - (2) Upon approval of leave and verification of organ donation, an employee shall be granted up to 30 days of regular straight time paid leave per year.
  - (3) Upon approval of leave and verification of bone marrow donation, an employee shall be granted up to 7 days of regular straight time paid leave per year.
  - (4) Total time off of work shall be based on medical certification. An employee shall receive paid leave up to 30/7 days only for the time a physician has determined the employee is unable to work.
  - (5) Donation leave pay shall be based on 7/8/12 hours per day as is applicable to the donor employee.
  - (6) Part time employees shall receive a prorated paid leave.
- (j) Permanent part time Care Worker position employees are eligible to use banked accruals to bring him/her to position percentage during weeks when there is lack of work. **[Amendment 68; Adopted 03/28/2017]**

#### **1.28 Unexcused Absences.**

- (a) Absence from work without approval for a period of three (3) consecutive workdays or on three (3) separate occasions in one (1) calendar year shall be considered resignation without notice. Such resignation shall result in immediate termination of employment.
- (b) The County shall send written notice to last known address within two (2) working days of termination to said employee notifying the employee that he/she has been terminated by reason of resignation without notice.
- (c) Within five (5) business days of receipt of notice, the former employee may present evidence to the County showing just cause for reconsideration of the termination decision.
- (d) The County Administrator shall consider all evidence and inform the employee of the County's decision. If the employee is reinstated, tenure, accrued sick leave, vacation and other employee benefits shall be reinstated.

#### **1.29 Benefits.**

- (a) **Permanent Part-Time Employees.**
- (1) Permanent part-time employees are eligible for accrued benefits based on the percentage of the position approved in the budget. Permanent part-time position percentages may be reviewed/adjusted annually. **[Amendment 68; Adopted 03/28/2017]**
  - (2) A Department Head, prior to allowing a permanent part-time employee to work in excess of the original budget, must follow the process outlined in Section 1.10(a)(5)a. **[Amendment 68; Adopted 03/28/2017]**
- (b) **Health and Dental Insurance. [Amendment 48; Adopted 11/12/2014] [Amendment 86, Adopted 02/27/2018]**
- (1) Permanent employees shall be entitled to health and dental insurance through the County's group health plan(s), subject to an employee percentage contribution as determined by the County Board. Contact Human Resources for current employee percentage contributions. Plan information shall be available on the Human Resources page of the Marinette County website. The County may offer coverage under a standard policy or offer dual choice options at its discretion.
  - (2) Library employees working less than 600 annual hours are not eligible to elect health or dental insurance through Marinette County.

- (3) The annual open enrollment period for health and dental insurance begins on February 15<sup>th</sup> and is open for 30 days. Changes shall be effective April 1<sup>st</sup>. Covered employees shall be eligible to change plans or coverage to any offered plan. Special open enrollments may be held as deemed necessary.
- (4) Employees meeting HIPAA provisions shall be subject to a thirty (30) day personal open enrollment. HIPAA special enrollment provisions are as follows:
  - a. Loss of coverage.
  - b. Family Status Change
- (5) Employees changing employment status from part-time to full-time shall be eligible to enroll or increase health and dental insurance coverage within thirty (30) days of date of hire to the full-time position.
- (6) Health and dental premiums shall be deducted pre-tax through payroll deduction.
- (7) All eligible County employees shall designate their option for health and dental coverage under the County's group insurance plan then in effect within thirty 30 days of initial employment. Human Resources shall distribute enrollment forms at the employee's new hire meeting.
- (8) Health and Dental insurance coverage shall be effective either the first (1<sup>st</sup>) day of the month following the first 60 calendar days of employment or on the 90<sup>th</sup> day of employment, whichever is sooner.
- (9) If the County employs both an employee and spouse, and both are eligible for dependent coverage, either the employee or spouse, but not both, may elect dependent coverage. In the event the employee with dependent coverage should terminate his/her employment with the County for whatever reason, the remaining employee shall be entitled to convert to an insurance plan, which includes dependent coverage.
- (10) It shall be the employee's responsibility to notify Human Resources of any insurance change in family status due to marriage, divorce, death, birth of a child or termination of coverage for a dependent who is no longer eligible per plan eligibility. Failure to notify the County within thirty (30) days of the change in status shall result in the employee assuming responsibility for any additional cost incurred by the County until proper notice is given.
- (11) Marinette County shall pay the County's share of an employee's selected health and dental insurance plan premium while the employee is on a paid leave, including both the month paid leave expires and the following month. If the employee is due compensation for wages or benefits, the employee's share of the insurance premium shall be paid through payroll deduction. If not, the employee shall remit the employee's share of the insurance premium to the County Treasurer or Finance Department. Premiums are due the first (1<sup>st</sup>) day of each month. Insurance shall be canceled if the employee fails to remit payment upon notice of delinquency.
- (12) Upon employee retirement, the County shall pay the County's share of the employee's selected health and dental insurance plan premium for the month in which termination of employment occurs and the following month. If the employee is due compensation for wages or benefits, the employee's share of the insurance premium shall be paid through payroll deduction. If not, the employee shall remit the employee's share of the insurance premium to the County Treasurer or Finance Department. Premiums are due the first (1<sup>st</sup>) day of each month. Insurance shall be canceled if the employee fails to remit payment upon notice of delinquency.
- (13) Upon death of an active employee, Marinette County shall pay the County's share of the employee's selected health and dental insurance plan premium for the month in which death occurs and the following 90 days. If the employee is due compensation for wages or benefits, the employee's share of the insurance premium shall be paid through payroll deduction. If not, the surviving spouse or dependent on the plan shall remit the employee's share of the insurance premium to the County Treasurer or Finance Department. After expiration of the month, the Employer shall deposit any remaining sick bank of the employee into a Health Reimbursement Arrangement account of Employer's choice. **Amendment 25, Adopted 12/20/2011**
- (14) Upon employee lay off, the County shall pay the County's share of the employee's selected health and dental insurance premiums for the month in which the lay off occurs and the following month. If the employee is due compensation for wages or benefits, the employee's share of the insurance premium shall be paid through payroll deduction. If not, the employee shall remit the employee's share of the insurance premium to the County Treasurer or Finance Department. Premiums are due the first (1<sup>st</sup>) day of each month. Insurance shall be canceled if the employee fails to remit payment upon notice of delinquency. When the County's share of paid insurance coverage expires, employees may continue to participate in the group

- insurance program according to COBRA. The County contracts with a third party administrator to administer COBRA.
- (15) The County shall pay the County's share of the employee's selected health and dental insurance premiums for the month in which an approved unpaid sick leave occurs and the following month. The employee shall remit the employee's share of the insurance premium to the County Treasurer or Finance Department. Premiums are due the first (1<sup>st</sup>) of each month. Insurance shall be canceled if the employee fails to remit payment upon notice of delinquency.
- (16) Upon employee resignation or dismissal, the County shall pay the County's share of the employee's selected health and dental insurance plan premium for the month in which the termination occurs. The employee's share of the premium shall be deducted from the employee's final wages. The first (1<sup>st</sup>) of the month following termination, employees shall be allowed to continue the employee's selected health and dental insurance coverage by paying the full premium and administration cost according to COBRA. The County contracts with a third party administrator to administer COBRA.
- (17) Employees terminating employment shall be allowed to continue the employee's selected health and dental insurance coverage by paying the full premium and administration cost according to COBRA. The County contracts with a third party administrator to administer COBRA.
- (18) An employee on family medical leave shall be required to pay the employee's share of the of the employee's selected health and dental insurance plan. If the employee is on paid FMLA leave, the employee's contribution percentage shall be paid through payroll deduction. If the employee is on unpaid FMLA leave, the employee shall coordinate with the Finance Department to make sufficient payment s through payroll deduction upon return to paid status.
- (19) If an employee chooses to waive insurance coverage, the employee must obtain and complete the proper paperwork from Human Resources.
- (20) All disputes relating to insurance coverage are deemed as disputes between the employee and the insurance carrier and are not subject to any grievance provisions.
- (21) **Retiree Health Insurance [Amendment 30; Adopted 08/28/2012] [Amendment 33; Adopted 10/30/2012] [Amendment 96; Adopted 12.18.18]**
- a. The following employees who meet requirements as set forth in subsection b are eligible to receive Retiree Health Insurance at time of retirement:
    1. Employees hired as Salaried/Management/Elected Official/Management Protected Category prior to 12/16/2008.
    2. Employees hired as Courthouse Category prior to 01/01/2012.
    3. Employees hired as Highway Category prior to 05/01/2010.
  - b. Requirements.
    1. Retire at age 55 or older with 20 years of Marinette County employment or age 62 or older with 15 years of Marinette County employment. Management Protected Category employees at age 50 or older with 20 years of Marinette County employment or age 57 or older with 15 years of Marinette County employment.
    2. State of WI must have received employee's application for WI Retirement prior to employee's last date of employment with Marinette County.
    3. Employee must be enrolled in Marinette County's active employee plan as the 'employee' on his/her last date of employment.
  - c. The Retiree Health Insurance benefit shall be eight years or until the employee reaches age 70, whichever occurs first; except Protected Category employees benefit shall be eight years or until the employee reaches age 65, whichever occurs first.
  - d. Exempt employees who qualify for retirees health insurance shall pay the same percentage of the premium as active employees but no more than fifteen (15) percent. Retired Courthouse and Highway employees shall pay the same percentage of the premium as active employees. **[Amendment 96; Adopted 12.18.18]**
- (22) **Health Reimbursement Arrangement (HRA) and Sick Cash Payout [Amendment 25, Adopted 12/20/2011] [Amendment 36, Adopted 09/17/2013] [Amendment 96; Adopted 12.18.18] [Amendment 99; Adopted 5.28.19]**

- a. **Courthouse and Library Category Employees.** In the event an employee was eligible for sick time payout prior to January 1, 2012, the number of sick cash payout hours are capped at the number in the employee's sick time bank as of December 31, 2011 and those are the maximum number of hours that will be paid out at the time of retirement and receipt of WRS. The number of hours in an employee's sick cash payout bank may decrease based on usage but will never increase. Combined sick cash payout and Health Reimbursement Arrangement Account hours are capped at 800 hours. Sick hours used from January 1, 2012 forward shall be taken from employee's sick cash payout bank first. If payout bank is depleted, sick hours shall be taken from HRA bank. **[Amendment 41, Adopted 05/27/2014] [Amendment 96; Adopted 12.18.18]**
  - b. **Highway and Professional Category Employees.** In the event an employee was eligible for sick time payout prior to January 1, 2013, the number of sick cash payout hours are capped at the number in the employee's sick bank as of December 31, 2012 and those are the maximum number of hours that will be paid out at the time of retirement and receipt of WRS. The number of hours in an employee's sick cash payout bank may decrease based on usage but will never increase. Combined payout and Health Reimbursement Arrangement Account hours are capped at 800 hours. Sick hours used from January 1, 2013 forward shall be taken from employee's sick cash payout bank first. If payout bank is depleted, sick hours shall be taken from HRA bank. **[Amendment 41, Adopted 05/27/2014] [Amendment 96; Adopted 12.18.18]**
  - c. **Employees Not Eligible for Retirees Health Insurance or Who are Eligible and Decline Retirees Health Insurance.** Employees who are not eligible or who are eligible and decline County retiree health insurance, shall upon retirement and receipt of WRS, have all accrued sick HRA leave hours, deposited in a Health Reimbursement Arrangement Account established by Employer. **[Amendment 96; Adopted 12.18.18]**
  - d. A retired employee participating in a Health Reimbursement Arrangement Account is not eligible for rehire.
  - e. Employees eligible for sick cash payout shall receive cash payout of sick cash bank hours upon retirement verified by WRS. **[Amendment 99; Adopted 5.28.19]**
  - f. Eligible sick time will be paid out and/or deposited into Health Reimbursement Arrangement Account if retirement date is verified by WRS within 90 days of retirement. The retirement date provided to Marinette County must be the same as the retirement date provided to WRS. **[Amendment 47; Adopted 10/28/2014] [Amendment 99; Adopted 5.28.19]**
- (23) If any portion of insurance premiums are due to Marinette County by retired employees, surviving spouses or a surviving dependent on the plan, the following provisions apply:
- a. The retired employee, surviving spouse, or surviving dependent on the plan shall receive a monthly invoice from the Finance Department.
  - b. Insurance premiums are due by the close of business on the last day of the month for the following month's premium.
  - c. Insurance premiums are payable to the County Treasurer and shall be submitted to the County Treasurer or the Finance Department.
  - d. Insurance shall be canceled if the retiree fails to remit payment by the date/time indicated on the invoice.
- (24) Employees placed on an unpaid suspension shall be responsible for the employees share and County share of health and/or dental premiums during the suspension. **[Amendment 51, Adopted 04/21/2015]**
- (c) **Wisconsin Retirement System. [Amendment 38; Adopted 02/25/2014]**
- (1) All employees meeting the eligibility requirements as set forth by the State of Wisconsin shall participate in the Wisconsin Retirement System (WRS). Those employees having the option to opt out may do so.
  - (2) Marinette County shall pay the employer share of contributions to the WRS based upon rates determined and defined by the Employee Trust Fund.
  - (3) Employees electing to retire must do so in accordance with the provisions of the Wisconsin Retirement System. Information and links regarding WRS can be found on the Marinette County intranet.
  - (4) Employees who terminate employment with Marinette County prior to achieving retirement age may

exercise various payment options in accordance with Wisconsin Retirement System rules.

- (5) Employees shall receive a Trust Funds Benefit Handbook at the employee new hire meeting, which further explains the specifics of the Wisconsin retirement benefit.

(d) **Life Insurance. [Amendment 31; Adopted 08/28/2012] [Amendment 45; Adopted 10/28/2014] [Amendment 60, Adopted 10/25/2016] [Amendment 83, Adopted 12/19/2017] [Amendment 84, Adopted 02/27/2018]**

- (1) Permanent full-time employees shall be eligible for life insurance with the availability of accidental death and dismemberment while actively employed with the County.
- (2) Marinette County shall pay one hundred percent (100%) of the monthly premiums for life insurance and accidental death and dismemberment.
- (3) Life insurance coverage shall be effective as identified in the Life Insurance Joinder Agreement.
- (4) Death Benefits shall be as follows:
  - a. Management Exempt Employees and Elected Officials – equivalent to employee’s annual salary
    1. Salaries shall be updated annually at a date determined by the Administrator.
    2. Salary amounts shall be capped at an amount determined by the insurance company.
    3. Salary guarantee minimum amounts may be set by insurance company and require additional paperwork for full benefit.
  - b. Professional/Computer Exempt Employees - \$25,000
  - c. Non-Exempt Employees - \$25,000
  - d. WPPA Employees – per bargained union contract
- (5) Age reductions will apply and be determined by the Life Insurance company.
- (6) Under certain circumstances benefits may cease while on leave of absence unless the employee applies for and is accepted under a waiver of premium. Inactive employees are ineligible for life insurance without a waiver of premium.
- (7) In the event of a dispute over any and all conditions of life insurance, the Joinder Agreement prevails.

(e) **Section 125 Flexible Spending Plan.**

- (1) Marinette County offers a Section 125 Flexible Spending Plan for non-reimbursed medical expenses or dependent care expenses.
- (2) Marinette County contracts with a third party administrator to administer the flexible spending plan.
- (3) Employee participation in the Section 125 plan is voluntary.
- (4) Human Resources provides enrollment and reimbursement forms to employees at the new hire meeting. The enrollment form must be completed and returned to Human Resources within thirty (30) days from date of hire.
- (5) Medical or dental expenses not reimbursable under health and dental insurance or dependent care expenses may be reimbursable under flexible spending. Employees without secondary insurance may elect automatic reimbursement and the claims for health and dental shall be automatically submitted to the plan administrator. The plan administrator shall reimburse the employee for eligible expenses under flexible spending. Employees not electing automatic reimbursement, with secondary insurance or who purchase eligible nonprescription supplies, must submit a reimbursement form to the employee’s selected plan Third Party Administrator. Reimbursement forms are available in the Human Resources department.
- (6) Expenses must be incurred from January 1 through March 15 of the following year and submitted to the plan administrator no later than ninety (90) days after March 15. Expenses incurred from January 1 through March 15 may be applied to current or prior year. Funds not used in that time period shall be forfeited.
- (7) Employees participating in Section 125 must re-enroll yearly.

(f) **Deferred Compensation.**

- (1) Marinette County offers an IRS qualified voluntary deferred compensation plan to all employees. All permanent employees of the County may voluntarily participate in the deferred compensation plan, subject to the rules, regulations and requirements of the plan.
- (2) Participants may defer annual income, to an annual limit. Contributions and earnings are tax deferred until withdrawal.
- (3) This program is administered by independent agencies and funded solely by the employee.
- (4) Agency contact information is available in Human Resources.

(g) **Longevity. [Amendment 81, Adopted 12/19/2017]**

Employees hired prior to 01/01/2012 are eligible to receive longevity pay as follows:

- (1) Employees shall receive fifteen dollars (\$15.00) for each year of service.
- (2) Annual longevity amounts shall be divided and paid on each payroll as are other earnings.
- (3) In the event an employee retires and is eligible for the Wisconsin Retirement Fund said employee shall receive one-twelfth (1/12) of the longevity payment for each month of service during employee's last year of employment.

(h) **Employee Assistance Program.**

- (1) Marinette County offers an employee assistance program which shall be available to assist employees, employee's spouse and/or dependent children with personal problems. Assistance is at the employee's request and is confidential.
- (2) To maintain confidentiality, an outside referral agency shall be used for initial contacts.
- (3) Initial contacts with the referral agency shall be at no cost to the employee. Financial charges resulting from any further counseling or referrals may be submitted to the employee's health insurance for coverage to the extent available under policies existing at the time of submittal and any uncovered charges shall be the responsibility of the employee.

**1.30 Miscellaneous Provisions.**

(a) **Department Work Rules.** Department Heads may develop internal departmental work rules pertaining to employee conduct and performance which are necessary for providing efficient and courteous services to the public and for providing a safe work site for employees, subject to the following:

- (1) Department work rules and procedures shall not conflict with policies and procedures set forth in this Manual and shall not affect conditions of employment, as conditions of employment are subjects of bargaining.
- (2) All such rules shall be in writing and copies shall be made available and explained to all affected employees, including notice that any violation of such rules shall be subject to disciplinary action.
- (3) A rule established under this section shall be declared void if it is determined by the County Administrator and Human Resources Director to be in conflict with this Manual or any applicable union agreement, regulation or law.
- (4) All such rules shall be subject to approval by the County Administrator and Human Resources Director prior to implementation and current departmental work rules shall be kept on file in the Human Resources Department.

(b) **Safety and Accident Prevention.**

- (1) Employees shall be responsible for observing all safety rules, procedures and practices at all times during working hours.
- (2) All injuries, or sudden illness, no matter how minor, must be reported immediately to Human Resources, who shall promptly secure medical aid for the employee. If an employee is unable to speak directly with a Human Resources staff member, the employee shall leave a detailed message with a return phone number. Human Resources shall return the call as soon as possible.
- (3) An employee should be advised to seek immediate medical aid if the injury cannot be treated on the premises.
- (4) If an employee is unable to report the injury or illness, the immediate supervisor shall immediately contact Human Resources.
- (5) In cases of emergency, first secure medical attention by calling 911 and then the Department Head shall contact Human Resources as soon as possible.

(c) **Worker's Compensation.** Wisconsin Workers' Compensation laws govern Marinette County employees.

- (1) An employee shall immediately report every injury, large or small, to the Human Resources Department. Depending upon departmental work rules, some Department Heads may require notification.
- (2) The Human Resources department shall complete a State of Wisconsin Worker's Compensation form and send it to the Worker's Compensation Carrier.
- (3) If the injury occurred outside normal business hours or if the Human Resources department is unable to

answer the call, employees shall leave a message with a phone number where he/she may be reached.

- (4) An employee receiving worker's compensation benefits which are less than the employee's salary may, at employee's option, use a portion or percentage of paid sick leave to supplement benefits up to the level of the employee's salary. Sick leave used to supplement worker's compensation benefits shall be charged against the employee's sick leave accumulation until the accumulation has been exhausted.
  - (5) Employees on worker's compensation shall continue to pay the County for the employee's regular share of benefit contributions. Employees receiving worker's compensation shall continue to accrue benefits at the same level as if working.
  - (6) It is Marinette County's policy to return a worker with a worker's compensation injury or illness back to the work environment as quickly as possible by providing available modified work duty when an employee is unable to perform his/her regular job.
- (d) **Unemployment Compensation.**
- (1) Wisconsin Unemployment Compensation laws govern Marinette County employees.
  - (2) All claims shall be immediately referred to the Human Resources Department for proper completion and follow-up.
  - (3) Unemployment Compensation is charged to the employee's departmental budget.
- (e) **Independent Contractors.**
- (1) It is the policy of the County to contract for services with independent contractors to meet the business needs of the County from time to time.
  - (2) Department Heads requesting an Independent contractor must complete and follow the instructions on the '**Independent Contractor Request Form**'.
  - (3) Independent contractor agreements shall be in writing, comply with all applicable laws and not violate any provisions of any collective bargaining agreement.
  - (4) Independent contractors are not employees, are not eligible for County benefits and are not subject to the classification plan.
  - (5) Independent contracts, with limited exception, are required to submit proof of worker's compensation and liability insurance to applicable Department Head prior to signing of agreement.
- (f) **Volunteer Service of Emergency Rescue Squads and Fire Departments. [Amendment 22, Adopted 10/25/2011]**
- (1) Marinette County recognizes the difficulty of retaining and attracting volunteers to Emergency Rescue Squad and Fire Department services. The services provided to the citizens of Marinette County are vital and often life saving.
  - (2) Employees of the County shall be allowed regular straight time pay when called away from duties with the County to serve on a volunteer rescue squad or fire department on the following basis:
    - a. This policy pertains only to full-time employees.
    - b. Employees shall be allowed to leave while on duty for the County subject to approval of immediate supervisor.
    - c. The policy shall be on a non-precedent setting basis.
    - d. This policy only pertains to volunteers on the emergency rescue squads or fire departments.
    - e. The emergency rescue squad or fire department must provide insurance coverage for a County employee while performing services as a volunteer of that rescue squad or fire department and such coverage must be acknowledged in a letter to the County.
    - f. Upon receipt of any volunteer service payment, the employee shall immediately submit the check to the County Treasurer.
- (g) **County Employee to Elected Official.**
- (1) County benefits such as retirement, health, dental and life insurance shall continue as if the person was a classified, active employee if the elected officer elects to continue such benefits. Vacation and sick leave shall no longer accrue. Elected Official is no longer eligible for longevity pay.
  - (2) Any vacation or compensatory time earned prior to becoming an elected official shall be paid out at the wage rate the employee was receiving prior to becoming an elected official.
- (h) **Elected Official to County Employee.**
- Employment from elected official to county employee shall be considered continuous employment with Marinette County. The employee's hire date shall be the first day the employee was eligible to enroll in the Wisconsin State

Retirement System for calculating vacation and longevity pay benefits. Continuous employment shall be defined as no break in service.

(i) **HIPAA/Notice of Privacy Practices.**

- (1) Under the Health Insurance Portability and Accountability Act (HIPAA) Marinette County shall maintain the privacy of employee's health information.
- (2) The County only uses and discloses employee health information for purposes of payment functions, health care operations and disclosure required by law.
- (3) Marinette County has designated the Human Resources Director as the Privacy Officer.
- (4) If an employee wants more information about County HIPAA privacy policies, the employee shall contact Marinette County's Privacy Officer.
- (5) If an employee believes Marinette County may have violated any privacy rights, or if the employee disagrees with a decision made about any of the rights, the employee may file a complaint with Marinette County's Privacy Officer.

(j) **Computer/Internet Policy.** See 'Marinette County Computer Use Policy'.

(k) **Unauthorized Audio/Video Employee Monitoring Policy.**

- (1) Generally, audio/video recording or monitoring of employees shall not be permitted. In the event a department head has reason to believe that an employee is engaged in behavior that violates Marinette County policy, that department head may request the use of monitoring devices for the purpose of additional investigation.
- (2) Consent of two (2) of the following three (3) county employees shall be required prior to monitoring employees: County Administrator, Human Resources Director or Corporation Counsel.
- (3) The department head must minimally present the following information to any two (2) of the above designated three (3) employees prior to engaging in monitoring:
  - a. Employee name and alleged violation.
  - b. Dates and times of alleged violation.
  - c. Harm or impact generated due to violation.
  - d. Impact resulting to other employees by the use of monitoring devices.
  - e. Alternative methods considered prior to monitoring request.
  - f. Proposed dates, times and areas of monitoring.
- (4) Use of monitoring devices without prior permission will subject the monitoring employee to disciplinary action.

(l) **Financial Complaint Procedure.** See 'Anonymous Financial Complaint Procedure' for complete policy and procedures.

- (1) **Protection from Retaliation.** The County shall not discharge, demote, suspend, threaten, harass or in any manner discriminate or retaliate against an employee in the terms and conditions of employment based upon any lawful actions of such employee with respect to good faith reporting of suspected financial wrongdoing.

(m) **Smoke Free Workplace.** **[Amendment 5, Adopted 04/17/2007]** The County recognizes the need to strike a reasonable balance between the rights of persons who smoke and the rights of non-smokers, and recognizes that, where those rights conflict, the right to breathe smoke-free air shall have priority and opts to prohibit smoking in the workplace.

(1) Definitions: **[Amendment 52, Adopted 07/28/2015]**

- a. Electronic Delivery Device as the term is used means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. Electronic Delivery Device shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- b. Smoking as the term is used means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. Smoking shall include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of

circumventing the prohibition of smoking.

- (2) No person may smoke indoors at any time in any county-owned, rented or leased building.
  - (3) No person may smoke at any time inside of any county-owned, rented or leased vehicle.
  - (4) Department heads shall enforce this smoke free work environment in all county-owned, rented or leased buildings and vehicles.
  - (5) Exemption from Smoke Free Workplace Prohibition: Smoking is permitted in Park facilities leased and/or rented by the public for private use.
  - (6) Violations of this section by County employees and officers may be subject to discipline as stated in the Policies and Procedures Manual or the appropriate collective bargaining agreement.
- (n) **Sheriff Department Duty Weapons. [Amendment 6, Adopted 05/29/2007], [Amendment 92, Adopted 11/13/2018]**  
 Effective November 1, 2018, A Sheriff or deputy leaving the Marinette County Sheriff's Department in good standing may purchase the duty handgun along with three (3) magazines. The purchase price shall be the current cost for the County to replace this equipment. Upon upgrade by the County of handguns the Sheriff and/or deputies may purchase their duty handgun for the appraised value of the weapon.
- (o) **Volunteer Policy [Amendment 19; Adopted 01/25/2011]**
- (1) **Purpose of Policy**  
 Marinette County recognizes that people in the community can make great contributions as volunteers. Marinette County also recognizes the potential liability exposure that is commensurate with engaging the services of volunteers. Proactive risk management efforts can control and minimize liability exposures to help ensure that the use of volunteers is a positive experience for both the volunteers and Marinette County.
  - (2) **Definition**  
 A volunteer is a person recognized and authorized by Marinette County or one of its officials, employees, or agents to perform services for Marinette County without receipt of salary or compensation. Under limited circumstance, reimbursement for mileage expenses may be made and is not considered compensation. A county employee may not volunteer for Marinette County when the volunteer hours involve the same type of county service which the individual is employed to perform for Marinette County. A volunteer is precluded from performing work that is part of a county position.
  - (3) **Liability Exposures and Protection**
    - a. General Liability Insurance. The County's general liability insurance policy provides that any expressly authorized volunteer of the County is covered by the policy, subject to its terms, conditions, and exclusions.  
  
 If the actions of a volunteer cause physical injury or property damage to another and the injured party files a claim against or sues the volunteer, the County or its insurer will defend the volunteer and be responsible for any financial judgment incurred, provided that the volunteer was acting within the scope of his or her responsibilities, gives notice of claim to the County, and cooperates in the defense or litigation. If the injured party sues a County employee in addition to the volunteer, the County will defend its employee and be responsible for any financial judgment incurred.
    - b. Automobile Liability Insurance. Marinette County volunteers are not authorized to use County vehicles. For automobiles owned by a volunteer, the County's automobile liability policy provides that any volunteer expressly authorized by the County is an insured under the policy provisions with respect to the use of an automobile owned by a volunteer to conduct County business. However, such insurance protection is secondary, or excess, over any other insurance available to the volunteer. The County does not provide protection to the volunteer for damage to his or her own automobile.
    - c. Medical Expenses Incurred by Volunteers In Performance of Volunteer Duties. Volunteers are not covered by workers compensation. Similarly, the County does not provide any coverage for medical expenses incurred as a result of an injury sustained by a volunteer.
  - (4) **Risk Management Techniques.**  
 Recognizing the liability exposure inherent with volunteer programs, risk management techniques shall be used to help control and minimize liability exposures. The main principles of risk management for volunteer programs are volunteer screening, volunteer instruction, performance monitoring, and recognition of

volunteer service. Sections (4)(a) and (c) are not applicable to those volunteers working under the direct supervision of a County employee for a one day a year function. These volunteers will be only required to sign a registration form prior to beginning the volunteer duty.

a. Screening: The proper screening of volunteers serves a dual purpose. It ensures that the volunteer has the necessary skills to carry out the responsibilities of the position and that the responsibilities fit the interests of the volunteer. Proper screening will decrease the possibility of injury to the volunteer, decrease the potential of claims against the volunteer due to negligent performance of responsibilities and reduce the claims against the County by others served by the volunteer. Screening shall include:

1. Completion of Volunteer Application. Volunteer application forms can be obtained from the Department utilizing volunteers and shall be completed prior to beginning performance of volunteer duties. Volunteers who will be using an automobile to perform volunteer duties shall provide a drivers license copy and a copy of certificate of insurance or insurance identification card. The application and supporting information shall be retained by the Elected Official, Department Director, or designee.
2. Interviews. The interview provides the County an opportunity to clarify information provided on the volunteer application and allows the volunteer an opportunity to offer additional information about interests and skills that may be difficult to reduce to writing.
3. Reference, Caregiver and Criminal Background Checks. Reference, caregiver and criminal background checks may be required dependent on the volunteer assignment. Any volunteer working with children or vulnerable adults will be subject to a caregiver background check at the expense of the requesting Department.

The Human Resources Department will conduct all background checks for departments. Each department is required to obtain appropriate releases for each and every volunteer on documents provided by Human Resources. Those documents shall be returned to Human Resources and a volunteer may not be used for any reason until clearance is received from Human Resources.

4. Welcome Letter. Departments shall issue a welcome letter in a template provided by Human Resources that accepts the volunteer into the program area and provides a written record of the individual as a person authorized to provide services on behalf of the County.

b. Department Responsibility

1. Volunteer Responsibilities and Duties. The utilizing Department shall provide to the volunteer and maintain a copy of specific duties and responsibilities for each volunteer.
2. Volunteer Instruction. All volunteer instruction shall be provided by the utilizing Department and written documentation of all instruction given shall be kept on file with the utilizing Department. All volunteers shall receive instruction on how to carry out duties and responsibilities. The instruction given will vary depending on the nature and complexity of the volunteer responsibilities. Instruction methods may include informal orientation, hands-on instruction, job site performance coaching and skills training, or a formalized training program with prepared training materials.
3. Safety Policies and Procedures. Volunteers shall be instructed in pertinent safety policies and procedures including such items as emergency evacuation, safety rules, and proper use of equipment.
4. Incident/Accident Reporting. Each volunteer shall be instructed to report to her/his supervisor as soon as possible any and all incidents or accidents in which the volunteer is involved. The overseeing County employee shall promptly investigate an accident or incident and maintain a written documentation of the same which includes possible causal factors and possible corrective actions to prevent future occurrences of a similar nature.

c. Performance Monitoring and Recognition. Throughout a volunteer's service to the County, supervisors are required to monitor the performance of the volunteer. If performance does not match expectations, supervisors should try to assist the volunteer to improve performance. If

performance does not improve, the volunteer shall be notified in writing that service to the County has been appreciated, but the volunteer is no longer authorized to perform services on behalf of the County.

- d. Recognition of Volunteer Service. A standard format thank you letter provided by Human Resources shall be sent to each volunteer upon completion of volunteer service to the County. A thank you letter provides a written document confirming that the volunteer’s services on behalf of the County has ended and the individual is no longer authorized to act on behalf of the County.

**(p) Weapons Policy. [Amendment 23, Adopted 10/25/2011]**

- (1) **Purpose.** This policy is intended to preserve and promote public protection and safety, public peace and good, and workplace safety and health.

- (2) **Definitions.**

“Law Enforcement Officer” means a Wisconsin law enforcement officer, as defined in §175.46(1)(g) Wis. Stats. or a federal law enforcement officer, as defined in §175.40(7)(a)1. Wis. Stats.

- a. “Licensee” means an individual holding a valid license to carry a concealed weapon under §175.60 Wis. Stats. or an out-of-state licensee per §175.60(1)(f) 1.-2. Wis. Stats.
- b. “Special Event” means an event that is open to the public, is for a duration of not more than three (3) weeks, and either has designated entrances to and from the event that is locked when the event is closed or requires an admission.
- c. “Weapon” includes, without limitation, any firearm, an electric weapon, as defined in §941.295(1c)(a) Wis. Stats., a knife ,except a pocket knife with a blade less than 2.5 inches, a switchblade, as defined in §941.24(1) Wis. Stats., a billy club, oleoresin capsicum (OC) spray devices, also known as pepper spray or pepper mace, metallic knuckles, nunchaku, shuriken, cestus, manrikigusari, or any device designed or used as a weapon and capable of producing great bodily harm or death.

- (3) **Prohibitions.**

- a. County employees are prohibited from carrying or possessing a concealed weapon, or a weapon that is not concealed, in the course, or during any part of, their employment.
- b. All persons are prohibited from carrying or possession of a concealed weapon, or a weapon that is not concealed, while operating or being a passenger in any County owned or leased motor vehicle.
- c. No person may, while carrying or possessing a weapon, enter or remain in any part of a building that is owned, occupied, or controlled by the County.
- d. No person may, while carrying or possessing a weapon, enter any special event sponsored by Marinette County.
- e. **Exceptions to Prohibitions.** These prohibitions do not apply to any of the following:
  - 1. A weapon in a courthouse or courtroom if a judge who is a licensee is carrying the weapon or if another licensee or out-of-state licensee, whom a judge has permitted in writing to carry a weapon, is carrying the weapon.
  - 2. A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee is carrying the weapon.
  - 3. Certified law enforcement officers, entitled to carry a weapon, while acting in their official capacity and with lawful authority.
  - 4. A person if a weapon is in vehicle not owned or controlled by the County driven or parked in a County facility parking lot.

- (4) **Notice.**

- a. A sign will be posted that is located in a prominent place near all of the entrances to any building to which the restrictions apply, where any individual entering the building can be reasonably expected to see the sign.
- b. County employees will be notified, either orally or in writing, of these restrictions.
- c. Any motor vehicle operator or occupant will be notified, either orally or in writing, of the restriction.

- (5) **Miscellaneous Provisions.**

- a. This policy is intended to be consistent with, and cannot supersede, state law/ or federal law.

- b. If any provision or clause of this policy or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this policy that can be given effect without the invalid provision or application, and to this end the provisions of this policy are severable.
- c. Reference to the Wisconsin Statutes herein include as such statutes now exist or are hereafter amended.

**(6) Penalties.**

- a. If applicable, referral to law enforcement or the district attorney for prosecution as applicable under Wisconsin Statutes, including §943.13 Wis. Stats.
- b. As to County employees, discipline up to and including discharge from employment.

**(q) Money Savings Proposal Incentive. [Amendment 35; Adopted 03/26/2013] [Amendment 90, Adopted 02/27/2018]**

Employees are encouraged to submit County money saving proposals, including but not limited to direct cost savings, more efficient delivery of services, purchasing efficiencies and program or operations savings. Employees may submit proposals directly to the County Administrator confidentially via email to Administration. The County Administrator will personally review proposals. Should the County Administrator deem a suggestion/proposal potentially will save the County an amount greater than \$1000 annually, the Employee shall receive an additional eight (8) hours of personal leave the first (1<sup>st</sup>) day of the following month. Administration will notify Payroll and the Employee's Department Head of the additional Personal Holiday.

**1.31 Committees. [Amendment 97; Adopted 12.18.18]**

**(a) Wellness. [Amendment 20, Adopted 03/29/2011] [Amendment 26, Adopted 12/20/2011]**

- (1) The Wellness Committee is a standing committee of the Administration and encourages employees to make changes in lifestyles while promoting wellness to prevent high costs of health care. Employee participation is optional.
- (2) Membership forms are available from the Finance Department.
- (3) A one-dollar (\$1.00) individual donation or a two-dollar (\$2.00) family donation is deducted through payroll deduction each pay period for participating members.
- (4) Members shall elect eight at large employee members to serve as voting members on the Committee. One County Board Supervisor shall be appointed in the usual manner to serve as a voting member of the Committee.
- (5) The membership allows the employee to provide input at scheduled meetings, participate in planned health promotion activities and the use of exercise equipment located in the County buildings.
- (6) An employee may terminate membership at anytime by notifying the Finance Department.
- (7) Meetings are held during working hours. Attendance is subject to supervisor approval. No overtime or comp time may accrue due to participation.
- (8) Marinette County employees coordinating or giving blood related to the Red Cross Blood Drive held in the Courthouse may do so on County time, subject to supervisor approval. No overtime or comp time may accrue due to participation.

**(b) Safety, Training and Development.**

- (1) Human Resources distributes applicable safety training programs to departments monthly.
- (2) See 'Monthly Safety Program' for complete explanation of process.